

attached Cavalry, National Guard of Tennessee, to improve park properties—to the Committee on Military Affairs.

By Mr. NEEDHAM: Petition of citizens of California, in favor of granting lands to the landless Indians of north California—to the Committee on Indian Affairs.

By Mr. OTIS: Petition of Hudson River Central Baptist Association, asking Congress to investigate certain charges against the authorities of the Independent State of the Kongo—to the Committee on Foreign Affairs.

By Mr. PADGETT: Papers to accompany House bill granting an increase of pension to Joseph Beiser—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: Resolution of Anthracite Division, No. 543, and Capitol Division, No. 160, Brotherhood of Locomotive Engineers, favoring bill H. R. 13354, for the relief of veteran army locomotive engineers—to the Committee on Invalid Pensions.

Also, resolution of Fairview Division, No. 278, Brotherhood of Locomotive Engineers, of Ashley, Pa., favoring bill H. R. 13354, for the relief of veteran army locomotive engineers—to the Committee on Invalid Pensions.

By Mr. PORTER: Petition of the Guarantee Title and Trust Company, against proposed system of post-checks—to the Committee on the Post-Office and Post-Roads.

By Mr. SHEPPARD: Papers to accompany bill H. R. 16151, for the relief of W. C. York—to the Committee on War Claims.

By Mr. SNAPP: Papers to accompany bill for increase of pension for Emanuel F. Brown—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of Farmers' Club of Tecumseh, Mich., against repeal of the Grout bill—to the Committee on Agriculture.

SENATE.

FRIDAY, *December 16, 1904.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BERRY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

ELECTORAL VOTES.

The PRESIDENT pro tempore laid before the Senate communications from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the States of California, Connecticut, South Dakota, and Texas; which, with the accompanying papers, were ordered to be filed.

ESTIMATE OF APPROPRIATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the disbursing clerk of the Treasury Department, submitting an estimate of appropriation to be included in the legislative, executive, and judicial appropriation bill for 1906 for one clerk of class 3 in the office of the Secretary of the Treasury, \$1,600; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact filed by the court in the cause of James Davidson v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact filed by the court in the cause of the trustees of Tuscarora Lodge, Independent Order of Odd Fellows, of Martinsburg, W. Va., v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact filed by the court in the cause of Edward Gallagher, administrator of Charles Gallagher, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 15317) to build a bridge across the Ouachita River, Arkansas; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

S. 708. An act authorizing the Secretary of the Interior to authorize the building of a bridge across Thief River in the State of Minnesota;

S. 2114. An act to fix the rank of certain officers in the Army;

S. 2578. An act granting an increase of pension to Sylvester Beezley;

S. 2745. An act granting an increase of pension to Thomas Howard;

S. 2893. An act granting an increase of pension to Emanuel Morter;

S. 3033. An act granting an increase of pension to Charles B. Williams;

S. 3175. An act granting an increase of pension to Rachel H. Coleman;

S. 3329. An act granting a pension to Mary E. Strong;

S. 3414. An act granting an increase of pension to Henry Wheeler;

S. 3502. An act granting an increase of pension to Joseph W. Willis;

S. 3640. An act granting an increase of pension to John S. Stevens;

S. 3791. An act granting an increase of pension to Edwin J. Tenney;

S. 4417. An act granting an increase of pension to Chadbourne H. Warren;

S. 4690. An act granting an increase of pension to Andrew W. Switzer;

S. 5184. An act granting a pension to Ethel Talley;

S. 5263. An act granting a pension to Annie M. Eapolucci;

S. 5416. An act granting an increase of pension to James A. Hopson;

S. 5423. An act granting an increase of pension to Ellen J. Morton;

S. 5484. An act granting an increase of pension to Burnetta B. Lehmann;

S. 5492. An act granting an increase of pension to Mary T. Holden;

S. 5556. An act granting an increase of pension to Sarah A. Hoback;

H. R. 14468. An act to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington; and

H. J. Res. 176. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1904, on the 20th day of said month.

PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington presented a petition of the Woman's Study Club of Tacoma, Wash., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

Mr. BURNHAM presented a petition of the Woman's Suffrage Association of Concord, N. H., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Board of Home Missions of the Presbyterian Church of New York City, praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was ordered to lie on the table.

He also presented a petition of the International Pure Food Congress, of St. Louis, Mo., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. GALLINGER. I present a petition signed by 110 of the leading citizens of Georgetown, D. C., praying for the construction of a bridge over Rock Creek at Q street. The men and firms who have signed the petition are among the most reputable and potential citizens of the District. I think they would be gratified to have their petition, which is not very long, go into the RECORD, and I will ask unanimous consent that the Secretary may read it, omitting the names.

There being no objection, the petition was read and referred to the Committee on the District of Columbia, as follows:

To the Senate and House of Representatives:

We, the undersigned, residents and property owners in that portion of the city of Washington known as Georgetown, have for many years felt sorely in need of a bridge over Rock Creek at Q street.

Very many good and valid reasons exist why the erection of such a bridge should now be authorized, and we beg to submit a few of these reasons for the consideration of your honorable body.

The present crossings over Rock Creek are inadequate for the increased demands of this growing portion of Washington.

The few existing bridges are largely taken up by double tracks for car lines, leaving scant, if not unsafe, passageway for vehicles and pedestrians.

The present entrances to this charming and picturesque part of our city are out of keeping with its dignity and really deter its growth, leading as they do into our most unattractive streets.

The banks of Rock Creek, in plain sight from our present bridges, are now used as a dumping place for all sorts of unsanitary refuse, and a bridge at Q street would be the first step toward preserving the natural beauty of Rock Creek Valley. If the dumping were stopped and the disfigured parts of the valley reclaimed by grass and vines, the present unsightly chasm separating Georgetown from Washington would be transformed into a healthful and beautiful breathing space.

Other and more extended improvements may some day be advisable, but we are all agreed that our need for this bridge is immediate, and further delay in its construction will be a detriment to our growth and the denial of a real necessity—an attractive entrance to the residence section of Washington which will afford to the city proper a much-needed unobstructed driveway to Arlington and the Conduit road and to us a deeply needed and well merited improvement.

Georgetown is an integral part of Washington legally and socially. It has a population of 30,000 inhabitants. For thirty-four years it has been paying taxes at equal rate with every part of the city, and yet it has absolutely no parks, no pleasure grounds, and no decent means of communication with its neighbors.

As taxpayers we assert our right to have our portion of the city receive its due share of improvements. For years we have patiently asked this, and now we most respectfully and earnestly petition that you grant us a bridge across Rock Creek at Q street and authorize the reclaiming and beautifying of Rock Creek banks in its immediate vicinity.

DECEMBER, 1904.

Mr. GALLINGER presented a petition of sundry citizens of Washington, D. C., praying for the enactment of legislation authorizing the extension of Rock Creek Ford road, or Rittenhouse street, westward, etc.; which was referred to the Committee on the District of Columbia.

Mr. WETMORE presented a petition of the Woman's Christian Temperance Union of Providence, R. I., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented a petition of Local Division No. 57, Brotherhood of Locomotive Engineers, of Providence, R. I., praying for the enactment of legislation granting pensions to locomotive engineers who served in the war of the rebellion; which was referred to the Committee on Pensions.

Mr. DRYDEN presented a petition of the Woman's Christian Temperance Union of Paterson, N. J., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented a memorial of M. Calm & Bro., of Newark, N. J., remonstrating against the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of the Woman's Board of Home Missions of the Presbyterian Church of New York City, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

Mr. KNOX presented a petition of 23 citizens of Millcreek, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of 22 citizens of Millcreek, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOR, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of sundry citizens of Philadelphia, Peters Creek, and Delta; of the Nottingham Quarterly Meeting of Friends, of Peters Creek; of the Woman's Christian Temperance Union of Delaware County; of the Pennsylvania Woman's Christian Temperance Union, of Philadelphia; of the Christian Endeavor Society of the Grace Methodist Episcopal Church, of Philadelphia; of the Christian Endeavor Society of the Summit Presbyterian Church, of Germantown; of the executive committee of the Schuylkill branch of the Philadelphia Christian Endeavor Society, of Philadelphia, and of the Christian Endeavor Society of the Bethel Church, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Philadelphia,

Wyncote, Rydal, Byberry, Lansdowne, and Millersville; of the Woman's Suffrage Associations of Delaware County, Lansdowne, and Philadelphia; of the Philadelphia Legislative League, of Philadelphia; of the Woman's Club of Columbia; of the Sorosis Club, of Langhorne; of Local Union No. 146, Woman's International Union-Label League, of Bradford; of the Teachers' Five O'Clock Tea Club, of South Bethlehem; of the Woman's Culture Club of Connellsville; of the Friday Conversational Club, of Monongahela; of the Woman's Club of New Brighton; of Linton Temple, No. 3, Rathbone Sisters, of Erie; of the Bellevue Equal Rights Association, of Bellevue; of the Sharon Circle of Ladies of the Grand Army of the Republic, of Sharon, and of the New Century Club, of Philadelphia, all in the State of Pennsylvania, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were ordered to lie on the table.

He also presented a memorial of the Piso Company, of Warren, Pa., and the memorial of Edward M. Paxson, of Philadelphia, Pa., remonstrating against the enlargement of the definition of the term "drug" in the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented petitions of the Board of Trade of Erie, of the Board of Trade of Scranton, and of the Trades League of Philadelphia, all in the State of Pennsylvania, praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

He also presented a petition of Local Division No. 565, Brotherhood of Locomotive Engineers, of Newcastle, Pa., praying for the enactment of legislation granting pensions to locomotive engineers who served in the war of the rebellion; which was referred to the Committee on Pensions.

Mr. CULLOM presented petitions of sundry citizens of Hillsboro, the Christian Endeavor Society of Hillsboro, all in the State of Illinois, and of the Woman's Board of Home Missions of the Presbyterian Church, of New York City, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented a petition of the board of directors of the Merchants' Exchange of Memphis, Tenn., and a petition of sundry citizens of San Francisco, Cal., praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

Mr. PERKINS presented a petition of the Bar Association of San Francisco, Cal., praying for the enactment of legislation providing for an additional district judge for the northern district of California; which was referred to the Committee on the Judiciary.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 4333) granting an increase of pension to Lando J. Ralph; which were referred to the Committee on Pensions.

Mr. FULTON presented a petition of the Chamber of Commerce of Portland, Oreg., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. QUARLES presented a petition of the Woman's Christian Temperance Union of Bloomington, Wis., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Richland Center, Wis., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was ordered to lie on the table.

Mr. PROCTOR presented a petition of the Woman's Club of St. Johnsbury, Vt., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of the International Pure Food Congress, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 5798) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., reported it without amendment, and submitted a report thereon.

Mr. BEVERIDGE. I am directed by the Committee on Territories to report back House bill 14749 with divers and sundry amendments, and with a recommendation that the bill when thus amended be passed. I wish to give notice that immediately after the vote to-day upon the Philippine bill I shall move to proceed to the consideration of this bill.

The bill was read by title and ordered to be placed on the Calendar, as follows:

A bill (H. R. 14749) to enable the people of Oklahoma and of

the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. BATE. I desire to enter a motion to recommit the bill which has just been reported by the Senator from Indiana, and let that motion lie on the table for the present. I expect testimony here, and when it comes I wish to be heard. I merely enter the motion to recommit.

Mr. NEWLANDS. I did not hear the announcement made by the Senator from Indiana regarding the bill.

The PRESIDENT pro tempore. The notice he gave was that immediately after the disposal of the pending unfinished business he would move that the Senate proceed to the consideration of the bill reported from the Committee on Territories this morning.

Mr. BATE. That is, that he would do it? He did not do it this morning, but gave notice he would do it?

The PRESIDENT pro tempore. He did not make the motion, but gave notice that he would make it.

Mr. STEWART, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 13th instant, proposing to appropriate \$2,500 for one chief of division in the office of the Commissioner of Indian Affairs, intended to be proposed to the legislative, executive, and judicial appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 6150) for the relief of Maj. E. W. Halford, paymaster United States Army, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 6157) for the relief of Maj. Seymour Howell, paymaster, United States Army, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 11286) to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic or other soldier organizations, asked to be discharged from its further consideration, and that it be referred to the Committee on the District of Columbia; which was agreed to.

TENNESSEE RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 15590) to amend an act approved April 26, 1904, entitled "An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the Tennessee River near Chattanooga, Tenn., and for other purposes," to report it favorably without amendment. The bill simply proposes to amend the act passed at the last session of Congress to build a lock and dam in the Tennessee River. It proposes to make a change in the location of this improvement, and it should be done at once in order that they may go on with the work. I ask unanimous consent for the present consideration of the bill.

Mr. BATE. It is purely a local matter. There can be no objection to it.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMITTEE ON INTERSTATE COMMERCE.

Mr. CULLOM, from the Committee on Interstate Commerce, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interstate Commerce be, and the same is hereby, authorized to employ a stenographer, from time to time, as may be necessary, to report the hearings which may be had by the committee or its subcommittees on bills and resolutions coming before said committee; to have its hearings, bills, and reports printed, and that any expense incurred shall be paid out of the contingent fund of the Senate.

Mr. KEAN subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the foregoing resolution without amendment; and it was considered by unanimous consent, and agreed to.

INAUGURATION OF THE PRESIDENT-ELECT.

Mr. SPOONER, from the Committee on Rules, to whom was referred the following concurrent resolution, submitted by him-

self on the 8th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President pro tempore of the Senate and Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

BILLS INTRODUCED.

Mr. PLATT of New York introduced a bill (S. 6163) granting an increase of pension to Elizabeth M. J. Meagher; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEARNS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6164) granting an increase of pension to Edward Michaelis (with an accompanying paper);

A bill (S. 6165) granting a pension to Robert K. Smith (with an accompanying paper);

A bill (S. 6166) granting a pension to David S. Clare;

A bill (S. 6167) granting a pension to Bernard Sprenger; and

A bill (S. 6168) granting a pension to William Crome (with an accompanying paper).

Mr. BURNHAM introduced a bill (S. 6169) granting an increase of pension to John B. Colby; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FOSTER of Louisiana introduced a bill (S. 6170) to fix the grade on retired list of the Army of Col. James W. Powell, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BALL introduced a bill (S. 6171) granting an increase of pension to Fannie C. Avis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced the following bills, which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6172) for the relief of the administrator of the late D. S. Farrer, of Virginia, and others; and

A bill (S. 6173) for the relief of the trustees of the Wilderness Baptist Church, of Spottsylvania County, Va.

Mr. McCUMBER introduced a bill (S. 6174) granting an increase of pension to Chittle Chittleton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 6175) for the relief of Benjamin Burrows; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6176) granting an increase of pension to David A. Reich; and

A bill (S. 6177) granting an increase of pension to J. S. Prose.

Mr. PERKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 6178) to purchase an additional strip of land to the eastward of the light-house at Pigeon Point, California;

A bill (S. 6179) to establish a light and fog signal on Karquinez Strait, California;

A bill (S. 6180) to establish at Ano Nuevo Island, seacoast of California, an additional dwelling for light-house keepers;

A bill (S. 6181) to establish a light-house near Santa Barbara Landing, California;

A bill (S. 6182) to establish a light-house and fog signal on Red Rock, upper part of San Francisco Bay, California; and

A bill (S. 6183) to construct a tender for the engineer service of the twelfth light-house district.

Mr. MONEY introduced a bill (S. 6184) authorizing the Mississippi Central Railroad Company to construct a bridge across the Pearl River at or near Smiths Ferry, Lawrence County, Miss.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. NELSON introduced a bill (S. 6185) granting an increase of pension to Thomas Read; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 6186) granting an increase of pension to Lizzie E. Shehan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 6187) to reclassify employees in the civil service; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

He also introduced a bill (S. 6188) granting an increase of pension to William Sartwell; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. McCREARY submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, commonly known as the Bowman Act; which was referred to the Committee on Claims, and ordered to be printed.

Mr. SCOTT submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which was referred to the Committee on Claims, and ordered to be printed.

AMENDMENT TO STATEHOOD BILL.

Mr. BARD submitted an amendment intended to be proposed by him to the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was ordered to lie on the table, and be printed.

AMENDMENT TO PENDING PHILIPPINE BILL.

Mr. CULBERSON submitted the following amendment to House bill 14623, intended to be proposed as an amendment to the amendment offered by Mr. DIETRICH; which was ordered to lie on the table:

Amend by adding after the word "bonds," in line 7, the following: "and bonds shall not be issued by any railroad company which may avail itself of the guaranty under this section for an amount exceeding \$35,000 per mile of railroad."

HEARINGS BEFORE COMMITTEE ON PRIVILEGES AND ELECTIONS.

On motion of Mr. BURROWS, it was

Ordered, That the Committee on Privileges and Elections be given leave to print, from time to time, the hearings held before the committee during the third session of the Fifty-eighth Congress.

REPORT OF COMMISSIONER OF NAVIGATION, 1904.

On motion of Mr. FRYE, it was

Ordered, That there shall be printed 500 additional bound copies of the Report of the Commissioner of Navigation for 1904, for the use of the Bureau of Navigation.

IMPROVEMENT OF BLAINE HARBOR, WASHINGTON.

Mr. FOSTER of Washington submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and estimate submitted of the cost of improving the harbor of Blaine, Wash., to meet the demands of commerce.

EMPLOYMENT OF STENOGRAPHER.

Mr. DANIEL submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved by the Senate, That the Committee on Transportation and Sale of Meat Products be, and it is hereby, authorized to employ a stenographer, whose compensation shall be at the rate of \$100 per month, to be paid out of the contingent fund of the Senate; and his employment shall cease at the close of this the third session of the Fifty-eighth Congress.

RECORD OF IMPEACHMENT TRIALS.

Mr. PLATT of Connecticut. I ask unanimous consent to reconsider the vote by which the order was made yesterday for the printing of extracts from the Journals of the Senate in impeachment cases, for the purpose—

Mr. BAILEY. Of course I am not going to object, but I should like to know why.

Mr. PLATT of Connecticut. For the purpose of correcting the order. I will state the matter a little more fully.

Mr. BAILEY. That is sufficient.

Mr. PLATT of Connecticut. The order was to print a document for the use of the Senate. That involves 1,400 copies, which are more than the Senate needs. Five hundred of them go into one place and 700 of them into another, and Congress does not get them at all. I wish to change the order so that 500 copies shall be printed for the use of the Senate. I think that number will be sufficient. I move to reconsider the vote by which the order for printing the extracts from the Journals relating to impeachment cases was passed yesterday.

The motion to reconsider was agreed to.

Mr. PLATT of Connecticut submitted the following order; which was considered, by unanimous consent, and agreed to:

Ordered, That there be printed for the use of the Senate 500 copies of extracts from the Journals of the Senate containing the record of impeachment trials in the cases of William Blount, John Pickens, Samuel Chase, James H. Peck, West H. Humphreys, Andrew Johnson, and William W. Belknap.

BUSINESS OF THE SENATE.

Mr. GALLINGER. Mr. President, I rise to a parliamentary inquiry.

It has been stated to me by several persons that some arrangement was made on yesterday, at a time when I was absent from the Senate on public business, whereby nothing was to be done by the way of business in the Senate after the adjournment to-day. I make the inquiry for the reason that as chairman of the Merchant Marine Commission it has been my purpose to make the report from that Commission on Monday of next week.

The PRESIDENT pro tempore. The Chair, under the circumstances, declines to answer the interrogatory of the Senator from New Hampshire.

Mr. GALLINGER. Can the Chair direct the Senator from New Hampshire to any source from which he may get the desired information?

The PRESIDENT pro tempore. An inquiry by the Senator directed to the Senator from Illinois [Mr. CULLOM] perhaps would convey the necessary information.

Mr. GALLINGER. The Senator from New Hampshire will be pleased to consult with the Senator from Illinois.

HOUSE BILL REFERRED.

The bill (H. R. 15317) to build a bridge across the Ouchita River, Arkansas, was read twice by its title, and referred to the Committee on Commerce.

ADJOURNMENT TO MONDAY.

Mr. ALDRICH. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

CIVIL GOVERNMENT OF THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The morning business is closed.

Mr. LODGE. In accordance with the notice which I gave, I now call up House bill 14623, the Philippine government bill. I have understood that one or two Senators desire to speak on the bill and amendments this morning.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands, and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes."

Mr. GORMAN. I present an amendment to strike out all after the word "assembled," in line 2, on page 1, down to the end of section 1.

The PRESIDENT pro tempore. The amendment will lie on the table until 3 o'clock.

Mr. LODGE. May I ask that the amendment be stated at the desk. I did not have my copy of the bill before me at the moment.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Maryland will be stated.

The SECRETARY. On page 1 strike out all of section 1.

Mr. NEWLANDS. I should like to inquire whether that is numbered according to the reprinted bill.

Mr. GORMAN. Yes; the last print of the bill, December 14. I simply propose to strike out these words:

That all bonds issued by the government of the Philippine Islands, or by its authority, shall be exempt from taxation by the Government of the United States, or by the government of the Philippine Islands, or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia, and all the provisions of this section are hereby made applicable to Porto Rico.

In other words, the amendment strikes out the exemption from taxation of all municipal bonds in the islands and makes them subject to taxation as other bonds in the United States.

Mr. LODGE. I wish to say in regard to the amendment that this exemption was given by Congress in the case of certifi-

cates of indebtedness which we authorized the Philippine government to issue for the purpose of maintaining the parity between the peso and the gold standard, and it was also given in the case of the bonds for the purchase of the friars' lands. But it was not given in the case of the bonds that were to be issued for the improvement of the water supply of the city of Manila nor for the bonds to provide for the construction of sewers and other municipal improvements in the towns of the Philippine Islands. The need of it is very well set forth in the report of the Secretary of War, which I hold in my hand. On pages 52 and 53 the Secretary states, I think with perfect truth, that the exemption of these bonds from State, county, and municipal taxation in the United States is of no consequence to States, counties, or municipalities here, but it makes a difference of 1 and 2 per cent in the rate at which the money can be borrowed for these municipal improvements.

It is a great benefit to the people of the islands to have this exemption, and the amount which is lost in taxation in this country is so trivial at the outside estimate that it would not be worth considering. I regard it as a very valuable and important provision, and I was very glad to add to it the amendment offered by the Senator from Ohio [Mr. FORAKER], which I think will be of equal value to the people of Porto Rico.

It seems to me that to enable the people in those islands to borrow the necessary money for municipal improvements at the lowest possible rate, where it can be done without any serious loss to us—in fact, with no loss at all—that will be susceptible, and without involving the United States in any way, is sensible and advisable legislation, and I sincerely hope that the amendment will not prevail.

Mr. GORMAN. Mr. President, the amendment probably may not be properly discussed at this particular juncture, but I will say that the theory of exempting from taxation bonds of the United States is so well established that there is no controversy about it now, although the time has been when it was very questionable whether it was good policy on the part of the Government.

Upon the bonds issued for the construction of railroads under the provisions of this bill 5 per cent is guaranteed by the Government of the United States, the principal of which the report accompanying the bill holds that, morally, this Government would be responsible for. This is probably the greatest concession that has ever been made by this Government for local improvements in any part of the common country. Their exemption from taxation, as stated in the report of the committee, of which the honorable Senator from Massachusetts is chairman, is based upon the ground that they would make the bonds a valuable investment or asset to corporations investing in them.

Mr. LODGE. Will the Senator allow me a moment?

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. GORMAN. Certainly.

Mr. LODGE. This section does not exempt the bonds of any railroad from taxation.

Mr. GORMAN. I did not quite understand the Senator.

Mr. LODGE. I say this section does not exempt any railroad bonds or any railroad property. It exempts only bonds issued for public purposes by public.

Mr. GORMAN. That includes necessarily the bonds that are to be issued for the railroads, as I take it.

Mr. LODGE. Not at all. It does not cover the railroad bonds at all.

Mr. GORMAN. It covers bonds for all municipal purposes.

Mr. LODGE. But the railroad bonds are not issued for municipal purposes. The municipalities can not contribute to railroads.

Mr. GORMAN. They can not?

Mr. LODGE. The municipalities can not contribute, under the authority given them, to railroads.

Mr. GORMAN. Do I understand the Senator to say that the bonds which are to be issued for the construction of these railroads will not be exempt from taxation?

Mr. LODGE. I say the bonds issued by the railroads will be subject to taxation. The only connection of the Philippine government with the bonds issued by the railroads is a guaranty of interest. There is no other privilege given to the bonds.

Mr. GORMAN. As I understand this provision—and I ask to be corrected if I am wrong—all the bonds which may be issued by the authority of the government of the Philippine Islands for works of improvement in all the towns of the islands, for waterworks and every other purpose, the Commission or the Philippine government may determine, will under the provision be exempt from taxation. Is not that so?

Mr. LODGE. I do not understand that any bonds issued by

the railroads can be exempt under any provision of this bill. The municipalities are unable to issue bonds for the benefit of the railroads. That, I think, is excluded by section 3 as it now stands, and with the amendments and restrictions proposed by the senator from Wisconsin [Mr. SPOONER], which I entirely accept, it is impossible that municipalities should issue any bonds in aid of a railroad. No railroad bonds can be issued except by the railroads themselves. All the government undertakes is to guarantee the interest, under certain conditions, of course, to be made with the railroads; but there is no possibility under this bill of exempting any railroad bonds from taxation.

Mr. GORMAN. Then all the bonds that are issued by authority of the Philippine government for all other improvements are to be exempt under this provision, as I understand it?

Mr. LODGE. All the municipal bonds and the bonds issued by the Philippine government for public purposes are to be exempt.

Mr. GORMAN. Very good. Now, I submit that for the first time, in dealing with any Territory in this country or any State in the Union, has such a provision been found in legislation anywhere.

Mr. LODGE. If the Senator will allow me again, I am afraid he did not listen to what I stated when I first got up.

Mr. GORMAN. It may be that I did not fully understand the Senator.

Mr. LODGE. We exempted the bonds which we authorized the Philippine Commission to issue for the purpose of maintaining the gold standard. We exempted the bonds which we authorized the Commission to issue for the purchase of the friar lands. The exemption has already been given in both those cases, with the result that they were able to borrow, I understand, on much better terms.

Mr. GORMAN. Yes; and I ask the Senator from Massachusetts if that is not the only precedent? In any case, in all the government of the Territories of the United States did Congress ever attempt to make such a provision for the exemption of municipal bonds? It crept into the original act for the government of the Philippine Islands, the Senator says; but I take it the Senate is considering the subject at this time more calmly than it could then consider it, and a precedent that is bad and vicious ought not to be followed now. The mere fact that in that case, at a time when we were in a state of war, and when in considering the matter here it divided us on party lines, that extraordinary action was taken ought not to be followed now.

Mr. President, it does seem to me that this is going away beyond any concession that ought to be made by this Government. Improvements are necessary, and we set the example to all our people. As the Senator from Massachusetts says, it amounts to very little in the government of cities and municipalities in the United States. It may be true that only a small portion of these bonds will ever reach the United States. I do not know how that may be, but it is wrong in principle. I supposed if there was to be any exemption from taxation at all it would be on bonds that were issued for these public improvements in the islands for which the Government of the United States is liable, both the interest and the principal. That probably could be maintained, although even in that case it would be an extraordinary proposition. If the Government guarantees 5 per cent interest upon bonds, and they are sold and known to be the bonds of the United States, they can be negotiated at 2½ and 3 per cent at the outside, and to exempt them from taxation would be a further premium of from 1½ to 2 per cent in every banking institution in the United States which acquired them.

Couple that with the fact that the Secretary of War has frankly said to Congress that in the matters of making the contract for the expenditure of this money and for the negotiation with the corporations that are to construct these works there ought not to be open competition, that it can best be done by private negotiation, and that he had anticipated the matter by conferring with certain gentlemen in New York who had the financial ability and power to construct the work. With that provision regarding that power existing, if the Government exempted the railroad bonds from taxation it would simply be too great a temptation to be placed in the hands of anybody.

Mr. President, like the Senator from Texas [Mr. CULBERSON], who stated the case clearly and tersely for those of us who have opposed the acquisition and the continued control of the islands, we regard that matter as settled, and there is no longer any question to be discussed as to whether we shall go on with the control of the islands. That seems to have been fixed for the time being by a decree of the American people. But in the framing of the measure by which these improvements are to be

made and these expenditures are to be incurred it ought to be applied without regard to the division on this aisle by such carefully constructed provisions, and provisions so well guarded that there will not be able to creep into it extraordinary expenses, or extraordinary obligations on the part of this Government. Let us deal with them as liberally as we would deal with a part of our own territory on this side of the ocean.

Without hesitation I say if this matter applied to New Mexico or the Indian Territory or Arizona, or any other Territory within the limits of our country, such a proposition would not be considered for a moment; and this step should not be taken until it shall be demonstrated by actual trial and a fair trial that those people can not raise any sufficient amount of money upon their own resources without such an extraordinary provision as the exemption from taxation of their bonds. Then it will be time enough to consider the matter and give them relief, if it becomes necessary, but let us not do it now.

Mr. FORAKER. I do not know that I correctly understood the Senator from Maryland [Mr. GORMAN], but if I did not he can correct me. I understood him to speak as though of the impression, at least, that we are issuing bonds here for the construction of railroads that the United States Government in some manner is to be responsible for. I have not so read the bill. All that we do here, as I understand it, is to authorize the Philippine government to issue bonds of its own for certain enumerated purposes. Then we authorize the Philippine government, in addition to that, to guarantee the payment of 5 per cent interest on the bonds that will be issued by railroad companies organized hereafter to construct the railroads which are provided for in this bill. So the United States Government has no responsibility whatever. It is not the case of the United States Government guaranteeing 5 per cent interest and then exempting them from taxation; but the effect of the provision is to simply exempt from taxation in this country bonds that may be issued by the Philippine government. The bill, as I understand it, does not go so far as to exempt from taxation in this country all bonds that will be issued by railroads on which the interest will be guaranteed by the Philippine government. If there is any doubt about that it could be removed by so amending the bill as to make it clear. I think there is much merit in what the Senator from Maryland has said on that point.

Mr. GORMAN. The Senator from Ohio is very familiar with the bill, and I wish to ask him if he does not agree with the Secretary of War on that point? I understand the Secretary of War and the chairman of this committee prepared this bill. So far as the railroad bonds are concerned, I understand that we do guarantee by this bill to pay 5 per cent, and that morally we are bound both for the interest on the bonds as well as the principal.

Mr. FORAKER. I do not understand that we are bound morally or otherwise, certainly not legally, to pay either the principal or the interest of these railroad bonds. The United States Government authorizes the Philippine government to guarantee the payment of the interest. I am not familiar with what the Secretary has stated in his report; I have not read it; but if the Senator will call my attention to the page on which those remarks are found, I will be glad to look at them, or, if the Senator will read what the Secretary of War says, I shall pause until he may do so.

Mr. CULBERSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. CULBERSON. What the Secretary of War was speaking about in that connection has reference only to the bonds issued by the Philippine Islands under its authority, and not the railroad bonds, as seems to have been inferred by the Senator from Maryland.

Mr. FORAKER. Oh, yes, Mr. President, I understand now how the Secretary of War might make the observation that we were morally bound, that because we created that government we are responsible for it; and yet that is open to some debate, I should think.

Mr. BAILEY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. Would the State of Ohio feel morally bound to pay the obligations of a municipality which it had created and which it had authorized to issue bonds?

Mr. FORAKER. I do not think so, and I never has felt so.

Mr. BAILEY. I simply interpose this because in all human probability these bonds will come back to the American Congress for payment, and I do not want any statement here in the

RECORD that I feel morally bound to tax the American people to pay for any bonds of the Philippine Islands.

Mr. FORAKER. Mr. President, the Senator from Texas will remember that my statement was that I could understand how the Secretary of War might have made that observation with respect to bonds issued by a government we had created and were in a sense responsible for, but that I thought that proposition was open to debate.

Mr. BAILEY. Yes.

Mr. FORAKER. I meant by that to reserve to myself the same right the Senator reserves to himself, and very properly so.

Mr. BAILEY. The State of Ohio might create a municipality and clothe it with authority to issue bonds.

Mr. FORAKER. They are the agencies.

Mr. BAILEY. And yet it has never felt bound to redeem such municipal bonds.

Mr. FORAKER. I do not know that the United States Government has ever felt obliged to redeem any bonds issued by any Territory.

But, Mr. President, I have been somewhat diverted by these remarks from what I wanted to say more particularly than anything else, and that is that by exempting these bonds we are simply seeking to provide a market for them and to make them a desirable investment. There are plenty of bonds being offered that are issued in this country about which there can not be any question, and investors are not likely to run after bonds issued by Porto Rico or by the Philippine Islands unless there is some inducement for them to do so that is not offered in connection with bonds issued in this country.

All investments in bonds in Ohio, in my own State—and I suppose that is true in every other State—are subject to taxation in the hands of the holders. They are not all returned, as has been suggested here, but that does not alter the legal duty of the holder to return them. They are supposed to be taxable, and whether they are taxable or nontaxable has much to do with their salability. When Porto Rico has occasion to issue bonds she must come here or go to some other place to sell them. Her market for them at home is at least very limited, not adequate. The same is true as to the Philippine Islands. They have no adequate market there, so they must come to this country to sell bonds, and when they sell them here they have to sell them in competition with bonds issued here, about the validity of which there is not any question and about the power of the authority issuing and guaranteeing them there is no question. So it seems to me that the cases of the Philippines and Porto Rico are exceptional. They should not be classed, when it comes to a matter of this kind, with the Territories or with the municipalities of this country, where we all feel that there is no risk to run as to the payment of bonds if they be validly issued.

The only purpose I had in offering the amendment as to Porto Rico was to make what I thought was a very appropriate and advantageous provision for the Philippines applicable to Porto Rico. There is no reason why they should not be both treated alike. If one is to have this privilege the other should have it. There should not be any discrimination between them. That is about all I care to say in answer to the Senator's suggestion.

Mr. BAILEY. Mr. President, I cordially agree with the Senator from Maryland [Mr. GORMAN] that the American Congress in dealing with either the Philippine Islands or the island of Porto Rico is not justified in making exemptions in their favor beyond the exemptions which the States make in behalf of their own municipalities. If the State of Ohio, the State of Maryland, and all the other States of this Union permit the municipalities which they create and which they authorize to issue bonds and to sell those bonds subject to the power of local taxation, it seems to me that the American Congress would well perform its duty toward these possessions by applying to them the same rule which the States apply to their municipalities; and in view of the fact that the various governments of this country, from the Government of the Republic down to the government of the municipalities and taxing districts, are increasing their expenditures at an enormous rate, it does not appear to me a wise policy for us to be extending these exemptions from taxation.

But, Mr. President, I rose more for the purpose of saying that while that is my view, and I cordially agree with the Senator from Maryland that the exemptions ought not to be made, I still want it incorporated in the RECORD of Congress that if hereafter some importunate bondholder shall come to Congress asking that we discharge the obligations of these bonds nobody shall be permitted to read out of the RECORD here that I assented to the proposition that there is a moral obligation upon us to pay them.

Senators will recall that when the great State of Pennsylvania once repudiated its indebtedness one of its bonds was held by rare old Sydney Smith, and there is somewhere in the archives of this Congress a petition, signed by him and others similarly situated, praying that the American Government will either compel the State of Pennsylvania to pay those bonds or else assume the payment itself. It may happen that no such chance as this will occur in the case of the Philippine bonds, but I assume that it may, and so I intend to vote against these railroad bonds and probably will be compelled to vote against the municipal bonds, because I shall vote against the passage of the entire bill. But while I might agree to authorize those municipalities, under proper limitation, to issue their bonds for public works and improvements, I would no more assume the moral responsibility of this Government for those bonds than I would assume the moral responsibility on the part of any State government for bonds which it authorizes one of its municipalities to issue.

I desire to call the attention of the committee to another matter. It seems to me if they are anxious to secure a market for these bonds that instead of exempting them from the legitimate power of taxation which exists in the States, counties, and municipalities of this Union, they will throw about them still further safeguards. For instance, it would appear to me a very reasonable precaution that this bill should provide that not a single one of these municipalities should be permitted to issue and sell its bonds until the project has been submitted to the Philippine Commission, approved by them, and the issuance of the bonds authorized and indorsed.

For many years in my own State we had some vexatious litigation and some bad feeling respecting our own municipal and county bonds, until at last the legislature of that State, in its wisdom, provided a law under which those bonds could be only issued after observing certain formalities and after the approval of the attorney-general had been given. Since the enactment of that law our bonds have often sold bearing a lower rate of interest, or have commanded a higher premium, which is in effect the same thing to the taxpayer. If the committee would incorporate in this bill some provision of that kind it would be more attractive to the investor than the exemptions which have been proposed.

Mr. President, while I am on my feet I desire to offer an amendment in lieu of the one which I offered yesterday afternoon. Before offering it I will take occasion to say that after the Senator from Iowa [Mr. ALLISON] had proposed his amendment, making a certain section of the existing law applicable to bonds issued under section 4 of this bill, I was inclined to think that his amendment would reach the end I desired, and for that reason I asked that it should be printed in the RECORD. After having examined it carefully I find that it provides practically and only what is already provided in the law of nearly every State in this Union. Almost without exception, the States provide that no stocks or bonds shall be issued by any corporation except for money or property actually received. But the trouble is that in spite of that provision these corporations go on overissuing their stock and overissuing their bonds. True enough, such an overissue of stocks or bonds might subject the corporation to a forfeiture of its charter in a suit brought by the State for that purpose, but unless the State chooses to penalize such corporations by the forfeiture of their charter for such misconduct, such stocks and bonds continue in the market, and continue as between the corporations and the holders valid obligations of the corporations.

In order to provide against this injustice toward these people, I have added to the amendment which I offered yesterday afternoon a provision that no stocks or bonds shall be issued except at par value, to be paid in money or in property at a fair valuation. Then I safeguard that provision, which is substantially the provision in the seventy-fourth section of an existing law, by further providing that before any railroad, the income from whose bonds or stocks is to be guaranteed by the general government of the Philippine Islands, shall be permitted to issue stocks or bonds, it must submit the question to the Philippine Commission, and can only issue them and sell them when authorized to do so by that Commission. My amendment especially directs that Commission to see that those bonds are only issued in accordance with the provisions of this act, which require that they shall only be issued and sold for actual cash or for property at a fair valuation.

This is not an experiment in legislation. The State of Massachusetts for many years has safeguarded the issue of stocks and bonds by similar enactments, and for the last twelve or fourteen years the State of Texas has been especially prudent in reference to the issue of railroad stocks and bonds. We provide there that no railroad can issue stocks or bonds except

for money or property, nor can they issue them for money or property except with the approval of the railroad commission. The result of this wise legislation has been that for twelve or fourteen years no mile of railroad in all the State of Texas has been overcapitalized.

If Congress can protect the people of the Philippine Islands from the overcapitalization of their railroads, it will do them an inestimable service. I offer this amendment, and at the proper time I shall ask a vote upon it. It practically embraces the amendment I offered yesterday afternoon and that offered by the Senator from Maryland, with the additional requirement on the Philippine Commission.

Mr. DUBOIS. Mr. President, I desire to offer the amendment which I send to the desk.

Mr. BAILEY. I should like to have the amendment which I have offered read. Probably nobody will pay any attention to it, but nevertheless I should like to have it read.

The PRESIDING OFFICER (Mr. DRYDEN in the chair). The amendment proposed by the Senator from Texas will be read.

The SECRETARY. After the word "years," at the end of section 4, line 10, page 5, it is proposed to insert the following:

Provided further, That before any guaranty of interest or income as herein authorized shall be made the railroad company desiring to avail itself of such guaranty shall include in its charter or articles of incorporation an express agreement that the general government of the Philippine Islands shall always possess and exercise the right of regulating charges for freight and passenger service: *And provided further*, That no railroad company, the interest or income for which is guaranteed under the provisions of this act, shall issue or sell any stock or bonds, except at their par value to be paid for in cash, or property at a fair valuation; and before such stock or bonds can be issued or sold they shall be authorized and approved by the Philippine Commission, whose duty it shall be to closely supervise the issuance of such bonds, and to strictly enforce this act in respect to the same.

Mr. DUBOIS. Now, Mr. President, I should like to have my amendment read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Idaho will be read.

The SECRETARY. In section 6, page 5, line 17, after the word "be," it is proposed to insert "rigidly;" and in line 19, after the word "government," to insert "so far as such immigration laws relate to the importation of Chinese cooly labor;" so as to make the section read:

SEC. 6. That the immigration laws of the United States in force in the Philippine Islands shall be rigidly administered by the officers of the general government thereof designated by appropriate legislation of said government, so far as such immigration laws relate to the importation of Chinese cooly labor, and all moneys collected under said laws as duty or head tax on alien immigrants coming into said islands shall not be covered into the general fund of the Treasury of the United States, but shall be paid into the treasury of said islands to be used and expended for the government and benefit of said islands.

Mr. DUBOIS. Mr. President, I think it is opportune to offer the amendment now, and I trust there will be no opposition to it in the Senate. The senior Senator from Ohio [Mr. FORAKER] gave notice that on all proper occasions he would urge an amendment to any Philippine bill for the reduction of certain tariff duties.

There are in the Philippine Islands some 72,000,000 acres of land, only 5,000,000 acres of which are in the possession of individuals or corporations. The other 67,000,000 acres are public lands, and, as a general thing, they are exceedingly rich for agricultural purposes. Some 50,000,000 acres of land in the Philippine Islands are susceptible of the highest cultivation, and this is especially so in regard to sugar. In Louisiana, in Texas, and in other favored spots in this country they raise from a ton to a ton and a half of cane sugar to the acre; in certain other favored portions of our country they raise from a ton to a ton and a half of beet sugar to the acre; in Cuba they raise about 4 tons to the acre; in Porto Rico about 4½ tons; in the Hawaiian Islands, 4 or 4½ tons; and on some plantations in Hawaii they raise as high as 10 or 11 tons to the acre; and the Philippine Islands are more productive for sugar than the Hawaiian Islands.

Efforts are being made, and will be made—the tendency is all in that direction—to allow the corporations to gain control of large tracts of those lands. The Board of Trade of Manila has repeatedly memorialized us in language similar to the following:

We ask for the immediate passage of laws for the admission of cooly labor, as the native labor is inadequate and insufficient for the development of the resources of the islands.

As white people go there, as they take those lands and commence to cultivate them, the demand for the importation of cooly labor will be more insistent. There are, as I say, 50,000,000 acres of public lands there which are susceptible of the cultivation of sugar to the highest degree. Fifty million acres of land is almost more than one-half of the agricultural land west of the Missouri River. It is two and a half times as much agricultural land as there is in all the New England States, and, with

the threatened reduction of the duty on sugar, I think we should make it absolutely certain that Chinese cooly labor shall not go there to put our sugar industry in direct competition with the tropical sugar.

They can raise sufficient sugar in the tropical countries which now belong to us to supply the world, and the whole tendency is to put our sugar industry, especially the beet-sugar industry, in competition with the sugar of these tropical countries. I think the Senate in passing this bill giving up the administration of our immigration laws to a Commission in the Philippine Islands should give them to understand in unequivocal language that they shall so administer those laws as not to allow Chinese cooly labor to come in there in competition with our labor, especially in the raising of sugar.

Mr. FORAKER. Mr. President, I ask that the amendment offered by the Senator from Idaho may be again read.

The PRESIDING OFFICER. The amendment will be again read.

The SECRETARY. In section 6, page 5, line 17, after the word "be," it is proposed to insert "rigidly;" an din line 19, after the word "government," to insert "so far as such immigration laws relate to the importation of Chinese cooly labor;" so as to make the section read:

SEC. 6. That the immigration laws of the United States in force in the Philippine Islands shall be rigidly administered by the officers of the general government thereof designated by appropriate legislation of said government, so far as such immigration laws relate to the importation of Chinese cooly labor; and all moneys collected under said laws as duty or head tax on alien immigrants coming into said islands shall not be covered into the general fund of the Treasury of the United States, but shall be paid into the treasury of said islands to be used and expended for the government and benefit of said islands.

Mr. FORAKER. Mr. President, so far as this amendment is concerned, I want to say to the Senator from Idaho [Mr. DUBOIS], in the first place, that I did not foresee when we entered into a unanimous-consent agreement to vote to-day at 3 o'clock that he was going to offer this amendment; and, under the precedent established day before yesterday, when I offered an amendment which I was compelled to withhold under the pressure brought to bear upon me, because it had not been foreseen by the Senator from Idaho and others, I might insist that this amendment should not be considered, especially so in view of the character of the remarks the Senator has made in support of his amendment. But I am not going to insist upon any such thing. I take advantage of the opportunity that has been offered me simply to emphasize what I said when I concluded to withhold the amendment that I had offered, to which the Senator objected on the ground that he had not foreseen when the unanimous-consent agreement was made that such an amendment would be offered. I want, in thus emphasizing it, to repeat what I said on that occasion, that when we enter into a unanimous-consent agreement to vote upon a bill at a certain time, and all pending amendments and all amendments that may be at that time offered, every Senator is to be regarded as at liberty to offer, down to the time when we take the final vote, any amendment he may think it his duty to offer.

I have always understood the consent agreement to be so broad as that, and I think a consent agreement, if it is to be restricted to such amendments as have been offered before it is entered into or such amendments as Senators will concede they foresaw would be offered, would not constitute a very valuable practice. I think the Senator has a perfect right to offer this amendment which he has offered, but I have just as much right to object to its consideration on the ground that I did not foresee it, for I did not foresee, as the Senator had to object to the amendment I offered when I offered it. But, as I said, I am not going to object to it. I do not believe in that practice. I took occasion to say, when I announced that I would withhold my amendment and not offer it, that I should not regard my action as establishing a precedent by which I should be bound hereafter, and I hoped no Senator would feel that he would be bound.

I am quite willing to have the Senator's amendment considered without any objection from me. I think it is his right to have it considered, and if anybody objected to its being considered on the ground that it had not been foreseen I would join the Senator in insisting that the objection was not well taken.

Now, I have only this objection to make to the Senator's amendment. It says that the immigration laws shall be rigidly administered so far as a certain class of immigrants are concerned, which class he names. I think the immigration laws of the United States should be rigidly administered as to every class to which they apply, and I do not think we should say by legislation that the immigration laws shall be rigidly administered as to a particular class, because we thereby impliedly say that we do not expect them to be rigidly administered as to other classes.

I do not think, Mr. President, there is any necessity for the amendment, because we enact laws upon the theory that they will be faithfully administered, that they will be rigidly administered, if you please, and that they will be faithfully and rigidly administered as to every class of people to whom they may apply, whether those laws be immigration laws or laws of some other character. I do not think there is any necessity for it for that reason.

Now, I wish to say a word, while I am on my feet, in answer to the remarks made by the Senator from Texas [Mr. BAILEY] a moment ago. He made two points to which I wish to make answer very briefly. I understood him to say it would help to make a market for these bonds issued in the Philippines if we provide in this bill that the issue of them shall be carefully supervised by the Philippine Commission. This is the effect, as I understood the Senator, of his remarks in that respect. I call the Senator's attention to the fact that on page 2, section 2, there seems to be just that kind of a provision. I wish to read it, for I think, with the Senator, that no bonds should be issued by the Philippine government or by any of the municipalities in the Philippines except only under the supervision of that Commission or some other controlling authority.

SEC. 2. That for the purpose of providing funds to construct port and harbor works, bridges, roads, buildings for provincial and municipal schools, court-houses, penal institutions, and other public improvements for the development of the Philippine Islands by the general government thereof, the said government is authorized from time to time to incur indebtedness, borrow money, and to issue and sell therefor (at not less than par value in gold coin of the United States) registered or coupon bonds of such denomination and payable at such time or times, not later than forty years after the date of the approval of this act, as may be determined by said government, with interest thereon not to exceed 4½ per cent per annum: *Provided*, That the entire indebtedness of said government created by the authority conferred by this section shall not exceed at any one time the sum of \$5,000,000: *And provided further*, That the law of said government creating the indebtedness and authorizing the issue of the bonds under this section shall be approved by the President of the United States.

That refers to bonds issued by the Philippine government, and certainly the law sufficiently guards the issuing of that class of bonds.

Section 3 relates to municipalities, and provides as follows:

SEC. 3. That section 66 of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," is hereby amended to read as follows:

"SEC. 66. That for the purpose of providing funds to construct sewers, to furnish adequate sewer and drainage facilities, to secure a sufficient supply of water, and to provide all kinds of municipal betterments and improvements in municipalities, the government of the Philippine Islands, under such limitations, terms, and conditions as it may prescribe, with the consent and approval of the President of the United States, may authorize and enable, by appropriate legislation, any municipality of said islands to incur indebtedness, borrow money, and to issue and sell (at not less than par value in gold coin of the United States) registered or coupon bonds, in such amount and payable at such time as may be determined by the government of said islands, with interest thereon not to exceed 5 per cent per annum: *Provided*, That the entire indebtedness of any municipality shall not exceed 5 per cent of the assessed valuation of the real estate in said municipality, and any obligation in excess of such limit shall be null and void."

I do not know whether the Senator has read those provisions or not. I had not read them particularly until he made his remarks, and when I looked at them I thought they were sufficient in a general way. They might be improved no doubt, but so far as concerns the bonds issued by the government, they are to be issued by the Commission itself, and their act is to meet with the approval of the President of the United States before they can make an issue of bonds for the general government of the Philippine Islands.

Mr. BAILEY rose.

Mr. FORAKER. As to municipal bonds, if the Senator will bear with me for just a moment, they can not be issued in excess of 5 per cent of the taxable valuation of the real estate of the municipality. That is a safe limitation to start with. Any excess over that amount is by the terms of this proposed act made null and void; and an issue can not be made up to that amount except under the supervision of the general Commission, which must approve and direct the whole proceeding, including the enactment of the legislation necessary to authorize it.

Mr. BAILEY. Mr. President, the Senator from Ohio is entirely right in saying that it sufficiently safeguards it in a general way, but these provisions are not essentially different from similar laws under which gross abuses have been practiced in the municipalities of our own country. If I had my way, one of the requirements that I would make would be that each of the bonds should be registered by the Philippine Commission after they approved them. The approval provided for by the President of the United States can not possibly be exercised upon a full understanding of all these facts. The President of the United States to-day has vastly more to do than one man can possibly do, and to impose upon him the duty of inquiring into the contracts and the improvements which are to be made in

the Philippine Islands would multiply his duties without extending his time, and would simply make it impossible for him to know.

He can do as he does now on very many important matters, take the advice of those under him, and then his approval is a mere matter of form. Now, rather than to have the approval of the President as a matter of form, I would prefer the approval of the Philippine Commission, who are right on the ground, and when they approve the bonds, countersign, as it were, register them, and make them incontestable, except for fraud. That is the course I would suggest.

Mr. FORAKER. The point I was trying to make was that, in respect to the Philippine government bonds, as distinguished from the municipal bonds this bill provides for, there will be both the approval of the Philippine Commission, as the Senator thinks there should be, and the approval by the President.

Mr. BAILEY. The Senator from Ohio will recall that my comment in that respect was directed to municipal bonds.

Mr. FORAKER. Yes; I do recall that, but I was calling attention to both. So far as concerns the issue of bonds not exceeding five millions, authorized by this proposed act, to be made by the government of the Philippine Archipelago, there will be in the first instance the approval of the Philippine Commission, because they are the authority that must act in the premises to authorize the issue, and their authority is to be supervised and approved by the President.

Of course the President does have, as the Senator from Texas suggests, a great many duties; but we know that he is compelled now to act through the advice of those who are called about him under the law to be his advisers. That is what he has an Attorney-General for; that is what he has a Secretary of War for. When a question arises that belongs in any particular Department, I assume he takes the advice of the head of that Department, and the head of that Department makes the thorough investigation that ought to be made; and they will proceed in that manner hereafter as to these bonds if this bill should become a law.

Coming now to the municipal bonds, I think they are exceedingly well guarded, and my point in reading this to the Senator was to ask him whether or not he had considered how we could make it any stronger than it is.

Mr. SPOONER rose.

Mr. BAILEY. The Senator from Wisconsin [Mr. SPOONER] has proposed an amendment that suits me better than the provision in the bill.

Mr. FORAKER. I have not seen the amendment of the Senator from Wisconsin.

Mr. SPOONER. I will state in a general way to the Senator in a moment, if he will permit me, what it is.

Mr. FORAKER. Certainly.

Mr. SPOONER. It limits the purposes for which the bonds may be issued to drainage, sewerage, water supply, and the erection of primary public school buildings, and it provides for the issue only where, in the opinion of the Commission, the purposes may not be accomplished reasonably by taxation. It provides also that the bonds shall not be issued except in a given case—with the prior approval of the President.

It does put a great deal of work nominally upon the President, but we are putting upon the President a great many functions, none of which are, from the standpoint of trusteeship, as important as this, to prevent by all possible safeguards the improvident issue of bonds by 900 municipalities over there, and the piling up of bonded indebtedness which in the years to come may lead to municipal bankruptcy.

Mr. FORAKER. I have not read the amendment that was offered by the Senator from Wisconsin, and I happened to be out of the Chamber when it was read at the desk, but I understand, from what the Senator has said of this amendment, its nature; that it is, in the first place, a restriction of the purposes for which bonds may be issued, and a requirement that they shall be approved by the President, in addition to the other requirements enumerated in the proposed act.

It does seem to me that it is hardly necessary to impose that duty on the President, if the Senator will allow me to say that without misunderstanding me, because of the limitation as to the amount. These bonds can not be issued by any municipality in excess of 5 per cent of the valuation for taxation of the real estate belonging to that municipality. It seems to me it can not be very burdensome, and that a Commission such as we have always heretofore had there and such as we are likely to have, could supervise that issue when it is confined anyhow within what must be conceded to be safe limitations. There is hardly a municipality in this country, I suppose, that has not issued bonds in excess of 5 per cent of the assessed valuation of its real estate for taxation, and that is one of the abuses which this bill seems to guard.

Mr. SPOONER. I think in a given case the President ought to be informed as to the population, and he ought to be pretty generally informed as to the details attending the proposition to issue bonds. It would be the Secretary of War who would examine into the matter and do the detail work about it and present it to the President, and I am quite satisfied the President would not shrink from any burden of work that would conserve the interest of that people in a matter so vital.

So far as the 5 per cent limitation is concerned, the Senator knows that the adequacy of that limitation depends altogether on the honesty of the officials who assess the property and the purposes for which they assess it. I have known instances, although I will not specify, where the assessment has been enormously raised for the purpose of raising enormously the debt limit.

Mr. BERRY. I should like to ask the Senator from Wisconsin, if the Senator from Ohio will permit me, who assesses this property? Is it done by the municipal officers or by the general Commission?

Mr. SPOONER. I suppose it is done by the Filipinos under the law over there. I do not suppose that Americans do the work of assessing in the different localities.

Mr. BERRY. I am talking about towns and municipalities.

Mr. SPOONER. That is what I am talking about.

Mr. BERRY. Does the Senator say it is done by officials appointed by the Commission?

Mr. SPOONER. I suppose they are appointed now. Later, perhaps, they will be elected by the communities.

Mr. BERRY. In the course of human events.

Mr. FORAKER. Many are elected now.

Mr. BAILEY. Will the Senator from Ohio permit me to make a suggestion? While the limitation of 5 per cent on the property value does limit the burden which those people may impose upon themselves, yet unless the expenditure is jealously guarded they may derive very small benefits from even the 5 per cent limitation. So I should like to take the provision of the Senator from Wisconsin, limiting the purposes for which bonds may be issued, and then also have the limitation of 5 per cent on the amount.

The Senator from Ohio, I know, will agree with me that the first purpose for which the proceeds of bonds should be devoted is to sewerage, water, and schools.

Mr. FORAKER. Yes.

Mr. BAILEY. The Senator from Wisconsin limits it to those purposes, I think wisely.

Mr. FORAKER. I think wisely, too.

Mr. BAILEY. I think if the bill is limited to those purposes, with the 5 per cent limit, while there may be cheating, more or less, as between the people who buy the bonds and make the bids on the work, those people will obtain what is necessary with no very great burden.

Mr. FORAKER. I thought the 5 per cent limitation was a good one, a safe one.

Mr. SPOONER. It is.

Mr. FORAKER. I thought so, because property is not likely to be assessed for taxation purposes higher than its real value. In this country, according to our experience, it is generally assessed for taxation at below its true value. I think 66½ per cent is as high as property the country over can be said to be assessed and be on the tax duplicate for taxation.

Mr. BERRY. Will the Senator from Ohio permit me?

Mr. FORAKER. Certainly.

Mr. BERRY. In this country the people themselves have something to say about the amount of the assessment, and that would account for the lower assessment. There, if I understand it, the people who are to pay the taxes have no voice in it. It is done by men appointed by the Commission.

Mr. FORAKER. I understand the Senator is mistaken as to that. I do not know just what the facts are, but I am told that there are over 800 native Filipinos holding offices in the Philippine Archipelago.

Mr. BERRY. By appointment under this Commission?

Mr. FORAKER. No; by election.

Mr. McCOMAS. By election in the barrios.

Mr. BERRY. Does the Senator intend to say that the men who assess property there are elected by the people?

Mr. FORAKER. No; I do not. I think they are, but I do not know. All I mean to say is that I have seen a statement—which was made by some one I thought reliable, although I do not remember now by whom—that there were over 800 native Filipinos holding office, most of them elected.

Mr. McCOMAS. Will the Senator allow me? I would not be positive, but I think I am right in saying that the fiscal and the secretary are elected. And they are the officers or a part of the officers who make the assessment. However, I do not wish to speak positively.

Mr. TILLMAN. Mr. President—

Mr. SPOONER. Will the Senator yield for a moment?

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. FORAKER. I yield to the Senator from Wisconsin. I do not yield the floor.

Mr. SPOONER. I wish to offer an amendment as a substitute for section 4 of the bill, and I ask to have it read.

The PRESIDING OFFICER. Does the Senator from Ohio yield for that purpose?

Mr. FORAKER. I yield to the Senator in order that he may offer the amendment, and that it may be read and printed.

Mr. SPOONER. That it may be printed before there is occasion to vote. It is an amendment to strike out section 4 and insert what I send to the desk.

The PRESIDING OFFICER. The clerks inform the Chair that it will be impossible to have the amendment printed in time, by 3 o'clock.

Mr. SPOONER. I will take the chance on that. I think it can be done.

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin will be read.

The SECRETARY. It is proposed to strike out section 4 and insert in lieu thereof the following:

That for the purpose of aiding in the construction, equipment, operation, and maintenance of such railroads, using steam, electricity, or other power, in the Philippine Islands, as the Philippine government may hereafter specifically authorize, the said government is empowered to enter into a contract of guaranty with any railroad company, organized pursuant to the laws of said government or of the United States or any State thereof, undertaking to construct, equip, operate, and maintain any such railroad, whereby the said government shall guarantee interest, at not exceeding 4 per cent per annum upon first lien bonds to be issued by such company, properly secured by mortgage or deed of trust upon the said railroad, its equipment, franchises, and other property, real, personal, and mixed, then owned and thereafter to be acquired.

Such contract of guaranty shall be signed on behalf of said government by the chief executive thereof and on behalf of the railroad company undertaking the construction, equipment, maintenance, and operation of said railroad by the chief officer thereof, thereunto duly authorized by the stockholders and directors of the same, and shall contain, among others, the following provisions:

First. That the total amount of bonds the interest upon which is to be guaranteed shall in no event exceed the amount actually invested in cash in the construction and equipment of such railroad, to be determined as hereinafter provided.

Second. That no debt except as above provided shall be incurred by the said undertaking railroad company, its successors or assigns, by which a lien shall be created upon such railroad, its equipment or other property, prior to the lien of said government to secure the repayment of the interest paid by it under said guaranty without the consent of the Congress.

Third. That the said railroad shall be constructed and equipped within the time limited in the first instance by the Philippine government, or any extension of said time granted by said government for good cause shown.

The contract of guaranty shall be in substance indorsed upon said bonds and signed by the treasurer of said islands, and the same shall not be signed and delivered except upon satisfactory proof of the completion of the railroad in sections of not less than 20 continuous miles each, and in such proportion, to be fixed from time to time by said government, as the actual capital invested in completed road and acquired equipment shall bear to the capital required for the completion and equipment of the entire road, to be determined by the said government.

All payments made under any such guaranty shall be from the time the same are paid a lien upon said railroad and its property then owned and thereafter to be acquired subject only to the lien of the mortgage or deed of trust executed to secure the bonds, the interest upon which shall have been so guaranteed, and the total sum paid under such guaranty shall at the expiration thereof be payable to said Philippine government upon demand, and in default of such payment the said lien shall be immediately forecloseable.

Provided, That in no event shall the total annual contingent liability of said government under the guaranties authorized by this section at any time exceed the sum of \$1,500,000, and no such guaranty shall continue for a longer period than thirty years.

For the further security of the Philippine government the Commission or any subsequent Philippine legislature shall declare the proper rules for ascertaining clearly the cash capital actually invested in said railroads and the net income actually received on said capital so invested, and shall provide for supervision by said Philippine government, through the auditing, engineering, and railroad bureaus thereof and by such other agencies as may be fixed by law, of the conduct of the finances of the road, and of its location, construction, operation, and maintenance.

The government shall have the power to appoint two members of the board of directors of any undertaking company whose bonds shall be guaranteed as provided in this section.

Each such railroad company shall make such reports from time to time as to its receipts and expenditures, in such form and substance and sworn to by such officials, as may be prescribed by the Philippine government.

Section 74 of an act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," is hereby made applicable to the corporations whose bonds shall be guaranteed under the provisions hereof.

Mr. BAILEY. I hope the amendment will be printed before we take a vote.

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin will be printed.

Mr. BAILEY. There was some question whether it could be done.

Mr. PETTUS. I ask the Senator from Ohio to yield to me for a moment in order that I may propose an amendment, which need not be printed or read. It has already been read and printed, but was withdrawn.

Mr. FORAKER. I rose only to yield the floor. The other point the Senator from Texas made to which I referred, and on which I wanted to say something in answer to him, is covered so fully by this amendment that I shall defer any remarks on that subject.

Mr. TILLMAN. Mr. President, before the Senator from Ohio yields the floor I should like to have a little information. If I understood him, and the Senator from Maryland, also, a moment ago, there was a claim or an assertion to the effect that a certain number, eight hundred I think was mentioned, of Filipinos are now holding office and they were said to be elected. Do I understand the Senator to say that the Philippine government as now constituted and run has an elective feature?

Mr. PLATT of Connecticut. In municipalities, of course.

Mr. FORAKER. The Senator misunderstood the remark I made. My remark was that I had seen a statement, which seemed to me to be credible, to the effect that there are now, to-day, over eight hundred native Filipinos holding offices of one kind and another in the Philippine Archipelago. I stated that I did not know whether they were elected or appointed, but it was my impression that most of them were elected.

Mr. TILLMAN. Elected by whom?

Mr. FORAKER. I remember to have seen notices in the newspapers of the election of alcaldes, or whatever they are called, officials of one kind and another. I do not profess to be informed. The Senator from Maryland interrupted me to give some information on the subject. He is a member of the Philippine Committee; I am not; and he naturally knows more about it than I do.

M. McCOMAS. The governors of provinces are elected and certain officers of the various barrios and townships are elected.

Mr. TILLMAN. Elected by whom?

Mr. McCOMAS. By a certain electorate. The number I can not state accurately.

Mr. TILLMAN. But who gives these people the franchise? We have not given it to them.

Mr. McCOMAS. It is done under the laws of the Commission.

Mr. TILLMAN. The Commission, then, have granted the power to vote to a certain class of Filipinos?

Mr. McCOMAS. Yes, sir.

Mr. TILLMAN. That is it?

Mr. McCOMAS. That is it.

Mr. TILLMAN. So it is a ukase or an executive order?

Mr. McCOMAS. It is a law passed by the Commission and relates to officers of barrios and governors of provinces and perhaps to a few other officers. I can not just inform the Senator, I have not accurate information; but they have been electing them now for some time.

Mr. BACON. Is not the Senator mistaken as to the matter of governors?

Mr. McCOMAS. Governors of provinces?

Mr. BACON. I ask him if he is not mistaken as to that?

Mr. McCOMAS. I think not.

Mr. BACON. I know there are elections of minor municipal officers, but when you speak of a province I do not know how much that embraces. Certainly there are governors who are appointed by the central authority at Manila. There may be some minor officers designated "governors" who are not included in the class I refer to, but the provincial governors are appointed at Manila.

Mr. LODGE. Most of the provincial governors are now chosen by the barrios—that is, by the municipalities. All the local officers in the barrios and municipalities are natives, as I understand it, and they are elected by the inhabitants of the barrios under such restrictions of suffrage and methods of voting as have been established by the Philippine Commission. I can not give those regulations without looking them up in the book. I can not give them from memory, but that is the system under which they are chosen.

Mr. TILLMAN. If the Senator will permit me, these so-called "officers" are, of course, mere puppets in the hands of the Commission, subject to removal or a refusal to issue a commission to them, and all that kind of thing, of course.

Mr. LODGE. I do not so understand it.

Mr. TILLMAN. Has the Philippine Commission, then, abdicated its absolute control of affairs in the Philippines, and is it establishing a representative government there by decree?

Mr. LODGE. I understand that for some time the local officers who correspond to mayors, councilmen, and aldermen and the local governments of the different municipalities have

been elected by the people of the municipalities, not appointed in any way or holding any commissions from the Commission.

Mr. TILLMAN. They are merely instruments in the scheme of government which the Commission itself has inaugurated, and are subject to removal or absolute control in everything they do.

Mr. LODGE. I do not understand that at all.

Mr. TILLMAN. It is a remarkable and anomalous condition for us to say that the Philippine Commission shall have absolute control; that the President shall appoint five men who shall go there and exercise the same autocratic power the Czar exercises in Russia, and then contend or assert even that they delegate their authority to somebody to go and elect somebody, and yet they have control of them.

Mr. LODGE. They have established, as they were authorized to do under the law, a system of elective local governments, and under those local governments, just as the laws of our States establish elections for local governments, the local officials are chosen.

Mr. TILLMAN. Subject, of course, to removal by the Commission.

Mr. LODGE. I do not so understand it. They are elected. They are not removed by the Commission.

Mr. TILLMAN. With all due deference, then, to the Senator from Massachusetts, I think it is an absurdity.

Mr. LODGE. Why?

Mr. TILLMAN. Simply because—

Mr. LODGE. It is exactly the system we have here.

Mr. TILLMAN. If the Commission have autocratic control and power to pass a law of that character they certainly have the power to rescind that act.

Mr. LODGE. Certainly.

Mr. TILLMAN. They have the power to remove any man elected or pretended to be elected.

Mr. LODGE. Certainly they have. A State government can rescind every State, city, and town charter.

Mr. TILLMAN. But you just said they did not.

Mr. LODGE. Congress can stop it, of course.

Mr. TILLMAN. Undoubtedly Congress can stop it, but Congress has delegated its authority to the President, and the President has delegated his authority to these five Commissioners.

Mr. LODGE. How would the Senator have the local officers elected?

Mr. TILLMAN. Simply by having some scheme of franchise under which those who are qualified would have an election and the officers elected so declared.

Mr. LODGE. That is precisely what they have.

Mr. TILLMAN. Except that we have not done it and the President has not done it, but the Commission have done it.

Mr. LODGE. No; because we delegated to the Commission the power to do it.

Mr. TILLMAN. We did not delegate it to the Commission. We delegated it to the President.

Mr. LODGE. We delegated it to the Commission.

The PRESIDING OFFICER. Senators will please address the Chair.

Mr. LODGE. We approved the law the Commission passed in that respect.

Mr. CULBERSON. Mr. President, I simply rose for the purpose of giving the Senate the information which apparently is desired on the subject. I have it here in a political pamphlet issued by the War Department just previous to the last election. It is entitled, "What has been done in the Philippines," published, it is true, as a Senate document, but nevertheless a political pamphlet, as will be generally recognized.

It seems that in thirty-four of what are called "Christian provinces" the governors are elected. I will read what the Bureau of Insular Affairs says about it. It is as follows:

The provincial governor is elected biennially, on the first Monday in February, by a convention consisting of counselors of every duly organized municipality in the province, which, after selecting a presiding officer and secretary, is to proceed by a secret ballot to choose a person to be the provincial governor, subject to confirmation by the Philippine Commission.

The positions of treasurer and supervisor are subject to the civil-service law, and the positions of secretary and fiscal are filled by appointment made by the Philippine Commission.

An election was held in thirty-two of the thirty-four Christian provinces on the first Monday in February, 1904, and at this time all of the governors in these Christian provinces were elected to office in the manner above set forth, and for the first time all of them are Filipinos. The remaining provincial officers, including clerks of courts, members of boards of tax revision, etc., with the right of exercise of authority of government (but not including subordinate clerkships), are filled by 86 Americans and 238 Filipinos.

Mr. FORAKER. Two hundred and thirty-eight out of what class of officials?

Mr. CULBERSON. I will read it again.

The remaining provincial officers, including clerks of courts, members of boards of tax revision, etc., with the right of the exercise of authority of government (but not including subordinate clerkships), are filled by 86 Americans and 238 Filipinos.

Mr. FORAKER. I will request the Senator to state whether that shows how many in the grand aggregate of Filipino officials there are? Does the statement the Senator read show that? I did not observe it.

Mr. CULBERSON. It shows that there are 34 provincial governors Filipinos and 238 subordinate clerks, with 86 Americans.

Mr. FORAKER. But I understood the Senator to read it as though it referred to something in addition to what had been described before. What is the language? Will the Senator kindly read it again?

Mr. CULBERSON. This pamphlet in effect states that of the 34 governors of Christian provinces all of them are Filipinos, and that in addition there are subordinate offices filled by 86 Americans and 238 Filipinos.

Mr. FORAKER. Not including clerks, etc. I should like to see that document.

Mr. McCOMAS. If the Senator from Ohio will yield to me I offer an amendment that it may be pending. I do not desire to have it read. It is an amendment to strike out and insert a substitute.

The PRESIDING OFFICER. The amendment will lie on the table.

Mr. TILLMAN rose.

Mr. BACON. Will the Senator from South Carolina permit me just to say that I challenged the suggestion of the Senator from Maryland that the governors were elected, and what has just been read by the Senator from Texas corroborates what was my meaning at the time—that there was no election of governors by any popular vote. Of course when speaking of an election—

Mr. LODGE. The Senator did not say anything about a popular vote.

Mr. BACON. I know; but I am showing what I meant.

Mr. LODGE. Does the Senator think the Senators of this body are elective?

Mr. BACON. I am not criticising the mode of election. I had suggested that the Senator was mistaken in saying that the governors were elected. Of course when we were speaking of elections we all had in our minds popular elections. I was satisfied that the governors were not elected by a popular election.

Mr. McCOMAS. I said I did not know by what electorate body they were chosen, but that they were elected.

Mr. BACON. I wish simply to repeat that the contemplation we all had in the colloquy was a popular election; at least that was in my mind.

Mr. LODGE. The Senator will, I hope, not say all, for I was careful to state that they were not elected by a popular election.

Mr. BACON. I limited it by the concluding remark, saying that that at least was in my mind.

Mr. TILLMAN. I do not know that there is any additional light to be added to this subject after the Senator from Texas has given us the facts, but I certainly do not stand corrected in my original assertion and proposition that the entire power in regard to the government of the Philippines is in the hands of the President and of the Commission, and that any delegated authority which that Commission have voluntarily spread out a little thinner than the five among certain municipal officers, and so on, is subject to their control and discretion, because this pamphlet states that they are subordinate to approval or ratification, I believe. It is a mere subterfuge to say that the Filipinos have any share in their government except as the instrument chosen by the Commission itself. I have not changed my opinion one iota as to what I had, and nothing has been given me in the way of light or information that would cause me to change it.

Mr. QUARLES. Mr. President, I do not intend to participate in the discussion regarding the amendments which are necessary to render section 4 of this bill safe. The discussion thus far had has only confirmed in my mind an apprehension, and without assuming to have any superior knowledge in regard to the conditions obtaining in the Philippine Islands I may be at least permitted to express an apprehension which I say has been increased rather than removed by this discussion.

As I understand this measure, sir, we are dealing with the whole Philippine Islands. It may be natural when we talk of the Philippine Islands to think of Luzon and even to confine our view to the city of Manila, where civilization has been developed considerably; but I apprehend that in considering this

measure we are bound to take in all those islands and to consider all the tribes who are to be affected by this measure, not only the Tagals, who have made some progress in civilization, but the many other tribes scattered through those distant islands who have hardly yet taken a step in the direction of civilization. If I understand this measure, it is to apply and reach out to the revenues of all those islands equally.

I apprehend that if a railroad is built there it will be built on the island of Luzon. Now, the question with me is, and my apprehension is, whether we are not going too fast in this matter. Referring now to section 4, which seems to be an ambitious scheme to furnish railroads to the Philippine Islands, I submit, in the first place, that that is the most natural mistake which we can make, considering our attitude to this question and considering the condition of the people with whom we are dealing. They are not Anglo-Saxons. They are Malays. They have not had long experience in the affairs of government, and some of them have absolutely had none. If I understand aright, there are some of the islands that are not yet provided with ordinary highways. If I understand it aright, their means of transportation are confined to a two-wheel cart and a water buffalo.

Mr. President, in our zeal to promote civilization in the islands let us not forget that it is a mighty transition from the water buffalo and the two-wheeled cart to the vestibuled railroad train. The Anglo-Saxon race never took such a jump in civilization. Before we had the railroad we had the highway; we had the stagecoach; we had the perfected vehicles that were used upon those highways, and then came the railroad. But now you are asking this simple people, some of whom do not yet wear clothes that make them presentable, to contribute to furnish an indemnity for a system of railways upon one island in which the other tribes probably have no interest whatever.

The question which I wish to submit to the Senate is this: What will be the influence of this measure on those people? Civilization is necessarily a plant of slow growth. It is like education. You have got to deal with the individual. You can not educate a nation. You have got to educate individuals. So you can not civilize a province; you have got to proceed with them and civilize them as individuals.

What will be the effect, then, of this measure? Instead of stimulating a love of progress and civilization I am afraid that it will create a revulsion in the minds of those natives against our processes and our methods. I believe that instead of trying to frame a safe provision out of section 4 and to provide, for the present time at least, a system of railways, it would be far better, the influence would be more salutary, to provide those people with highways, not only in the island of Luzon, but in the other islands. Let us stimulate them and obtain better methods of transportation over improved highways, and then let us take up the matter of railroad exploitation at a later time. It seems to me that we are going too fast and that we shall really retard, rather than advance, the very end we have in mind by taking up this railroad matter at this time.

Mr. CARMACK. Mr. President, as my action the other day with respect to the amendment offered by the Senator from Ohio [Mr. FORAKER] seems to have been misunderstood by some people, I wish to make an explanation in regard to the matter.

I did not oppose the amendment offered by the Senator from Ohio because I was opposed to reducing the tariff on Philippine products, for I very earnestly favor such a reduction. I was opposed to it because I am opposed to doing anything in what I believe to be an unconstitutional way. The amendment of the Senator from Ohio, in my judgment, if made a part of the bill, would have made it a bill to raise revenue, and as such would have brought it into conflict with the provision of the Constitution which gives to the House of Representatives the exclusive right to originate such bills.

I do not think it is a matter of any consequence whatever as to what disposition is made of the revenue after it is collected. That does not in the least change the character of the bill. Nor is it a matter of any consequence, in my judgment, whether the bill is to raise more revenue or less revenue. If it raises, that is to say, if it produces, any revenue at all it is a bill to raise revenue.

The McKinley tariff bill was a bill to reduce the revenues, and was so named in its title. I do not think the Senator from Ohio or anyone else will claim that the McKinley tariff bill could have originated in the Senate, simply because it proposed to reduce the revenues.

Mr. PETTUS. If the Senator will excuse me, the pending bill originated in the House, and this is a mere amendment to it.

Mr. CARMACK. I know it originated in the House, but you can not take a bill having reference to matters of civil government in the Philippine Islands and insert an amendment propos-

ing to raise revenue on articles imported into the United States and make it constitutional in that way.

Mr. FORAKER. If the Senator will allow me to interrupt him, I called attention, when the amendment was under consideration, to the fact that this bill by its title states that one purpose is to amend the act providing revenue for the Philippine Islands, and by section 5 of the act it provides for a reduction of revenue by allowing to be admitted free of duty certain enumerated articles. So it is a bill that originated in the House, and it is a bill to raise revenue within his contention—that is to say, as I understand him, it is a bill reducing the revenues of the Philippine government, as it came to us from the House. I do not think that the constitutional provision has any application to bills relating to the revenues of the Philippine government, but only to the revenues of the United States.

Mr. CARMACK. There was nothing in the bill as it came from the House proposing to affect tariff duties levied by the United States upon articles imported into the United States. That is what was proposed to be added to this bill by the Senator from Ohio.

Mr. FORAKER. Will the Senator state that again? My attention was diverted.

Mr. CARMACK. I say there was nothing in the bill, as I understand it, as it came from the House, which proposed to affect tariff duties upon articles imported into the United States.

Mr. FORAKER. No; but there was a provision affecting the tariff on articles imported into the Philippine Islands.

Mr. CARMACK. That is a very different proposition.

Mr. FORAKER. The amendment which I offered had nothing to do with the revenues of the United States.

Mr. CARMACK. It did, Mr. President, with revenues collected by the United States. As I said, it is a matter of no consequence whatever what the United States chooses to do with the revenue after it has collected it. Whether it gives the revenue away, whether it gives it to the people of the Philippine Islands, or whatever else it may do with it, it does not in the least affect the character of the bill as a bill to raise revenue.

Mr. FORAKER. But, Mr. President, the revenues on sugar and tobacco imported into this country from the Philippine Islands under the law as it now stands go not into the Treasury of the United States Government, but into the treasury of the government of the Philippine Islands, and the amendment I offered only proposed to reduce the amount that shall be collected for the benefit of the Philippine government. It does not change the use of a dollar of revenue.

Mr. CARMACK. I do not care to go into further debate on the question. The fact is that at the last session of Congress we had assurances from the Senator from Rhode Island [Mr. ALDRICH] that a bill of that sort would be pressed and passed at this session of Congress, but it was assumed then and it was distinctly asserted by the Senator from Massachusetts [Mr. LODGE] that if such a bill did come to us it would come from the House of Representatives. That was so stated by the Senator from Massachusetts, and we all had a right to assume that if we were to consider any such bill it would come from the House of Representatives. I say, in my judgment, it was not proper right at the heels of this discussion, when the time allotted for the discussion of this question was about to expire, to bring in an amendment which involved any such proposition, and in my recollection it has never before been attempted in this matter, but it had always been understood that we were to consider a bill of that sort when it came from the House of Representatives and not otherwise.

Mr. FORAKER. The Senator exonerated me from all criticism when I made some remarks the other day, and I hope the Senator has not changed his mind about it.

Mr. CARMACK. Not in the least. I know the Senator thought he was right, and I know the Senator did not intend to take any advantage.

Mr. FORAKER. The Senator still thinks he was entirely right—that is to say, that he had a perfect right to offer that amendment at that time under the agreement. I called attention to the fact this morning, showing how that kind of precedent, if it should be taken advantage of, would work. The Senator from Idaho offered an amendment, and I was perfectly within the precedent, if that should be regarded as one, when I announced that I had not foreseen he was going to offer that amendment, and I have as much right to object to it on that ground as he had to object to my amendment. But I do not care to discuss it either.

Mr. CARMACK. The difference is that the Senator had every reason to expect the Senator from Idaho might offer such amendment and nobody had any reason to suspect that there

would be such an amendment as that proposed by the Senator from Ohio.

Mr. FORAKER. On that point I differ from the Senator from Tennessee, because this is a question that has been raised here by an amendment offered of this general character every time we have had any Philippine legislation to which it could be attached.

Mr. CARMACK. Yes; to which it could be properly attached.

Mr. FORAKER. To say that this is not a revenue measure is in a sense begging the whole question. By its title it is a revenue measure. The purpose of it is to amend the revenue act, giving day and date and title of the revenue act, and then it does in fact amend that revenue act. Of course it is a revenue act for the Philippine government; but I understand the Senator to say it does not make any difference, so far as the basis of his contention is concerned, whether the revenues when collected come to our Government or go to the Philippine government.

Mr. CARMACK. I say if we collect the revenues here at the custom-houses of the United States the bill authorizing that to be done is a bill to raise revenue and must originate in the House of Representatives, no matter how you spend the money. But, Mr. President, I do not want to continue the discussion of that branch of the question, as the amendment has been withdrawn. I simply wanted to give my reasons for being opposed to the amendment of the Senator from Ohio at this time, and to say that whenever the proposition embodied in the amendment shall be brought properly and constitutionally before this body I will support it very earnestly.

Mr. FORAKER. I am gratified to hear that expression from the Senator.

Mr. CARMACK. I will do anything I can to make it pass. I shall do it, Mr. President, not simply because I believe in tariff reform and in a reduction of our exorbitant tariff duties, but because I believe it is the duty of this Government, so long as we hold the Philippine Islands, to do everything we possibly can to promote the prosperity of those people.

As I said, Mr. President, I will do everything in my power when the time comes to seek to promote such legislation, and I am very sorry the Senators upon the other side have not been more diligent and active and determined in their effort to secure such legislation. At the last session of Congress, if I remember aright, there was no effort made to pass any such bill, although it was the long session of Congress, and we had practically unlimited time. I believe the President did not even mention it in his message, although we had assurances at that time that the matter would be pressed at this session of Congress.

Mr. PETTUS. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Tennessee yield to the Senator from Alabama?

Mr. CARMACK. Certainly.

Mr. PETTUS. I desire to call the Senator's attention to section 5 of this bill, which does relate to the raising of revenue.

Mr. CARMACK. I have spoken of that, Mr. President. It refers to articles imported into the Philippine Islands, and not to the imports of the United States, which strikes me as a very important difference.

I say it is the duty of this Congress to do something in the way of reducing tariff duties on the products of the Philippine Islands; but no effort has been made in that direction; no effort was made at the last session of Congress. Instead of that, Congress devoted its time in a very large measure to the consideration of a bill extending our shipping laws and our coastwise laws to the Philippines, thereby increasing, in the estimation of Secretary Root, the freight charges on all Philippine products about 300 per cent.

Mr. President, I wish to deal with this bill very briefly in connection with other legislation which we have had concerning the Philippine Islands. The President of the United States in his message says that in dealing with the Philippines our first consideration should always be the welfare and prosperity and general advancement of the people of those islands. While we may incidentally get some benefit out of it, he tells us that our first consideration always should be to promote the welfare and prosperity of the Filipinos themselves. The Senator from Massachusetts [Mr. LODGE], in a very notable speech delivered as permanent chairman of the Republican convention in 1900, took a very different view. He said that he and that convention would make no "hypocritical pretense" of being chiefly interested in the welfare of the people of the Philippine Islands; that we were in the Philippines chiefly for our own profit and advantage, and not for the welfare of the people of the Philip-

pine Islands. It seems to me that the legislation we have had with respect to the Philippines has proceeded from the motives then announced by the Senator from Massachusetts, and not from the broader and more benevolent purpose declared in the President's message.

We have maintained prohibitory tariff duties upon all products brought from the Philippine Islands that might possibly enter into competition with any American products, and we have done so over the repeated and emphatic protest of Secretary Taft, of Governor-General Wright, and of our Commission in the Philippine Islands, who have told us over and over again that these tariff laws are not only injurious to the trade, the industry, and the prosperity of the Philippine Islands, but that they were injurious to the temper and disposition of the people, and make more difficult the task of reconciling them to American rule.

Then, Mr. President, we have enacted a law which imposes a duty upon all hemp exported from the Philippine Islands to any other country in the world except the United States. We say to the Filipinos that we can not open our market for your sugar and your tobacco, and we will not suffer you to have a market here for those products, because they may come in competition with American products, but when it comes to hemp we want all you have got, and we will not permit you to export your hemp to any other country in the world except the United States, unless upon the payment of a heavy penalty. The articles which may come into competition with the products of the United States are barred from this market, and an article which we desire, which will not compete, is barred from any other market except the market of the United States. That has been the character of our legislation.

In addition to that we have extended our coastwise laws to the Philippine Islands, and in doing so, as the late Secretary Root says, we have increased the freight charges, or will increase the freight charges upon all products of the Philippine Islands coming to this country and all articles bought by them from this country 300 per cent. We have done that over the emphatic protest of Secretary Taft, Governor-General Wright, and of all our officials in the Philippine Islands. Secretary Taft said, in respect to that very proposition, that if you maintain that law—

The people of the islands may well ask, "What advantage are we to get out of association with the United States in a business way if our trade is to be used only for the purpose of increasing the business of American ships, while the limitation of the coastwise laws, by increasing the freight rates, will reduce the business that we now have with that country?"

In other words, Mr. President, according to the testimony of Secretary Taft and according to the testimony of Governor-General Wright, our legislation with respect to the Philippine Islands has only tended to create discontent and dissatisfaction—to burden the industries and destroy the trade of the Filipino people.

Now it is proposed by this bill to do something partially to counteract the effect of our other hostile legislation by compelling the Filipinos to pay a subsidy to build a railroad in the Philippines; to pay out of their taxes a dividend of 5 per cent to some corporation of American capitalists that will go there to build railroads.

Mr. President, I am in principle opposed to the policy of subsidizing railroads, and I believe it would be better for the people of the Philippine Islands if you will leave that question to develop itself. When capitalists feel that there is urgent need for railroads in the Philippine Islands that will pay dividends, they will build them. A railroad, Mr. President, that will not pay dividends is a railroad that is not very badly needed. If there was a great necessity for a railroad over there, it would pay dividends; but American capitalists could not be induced to put a dollar in the Philippines simply because they could see no reasonable hope of any adequate return upon their investment. I say if there was any such prospect, as we have been told, of great prosperity, great trade, and great industrial development in the Philippine Islands capital would go there without being hired to go. If we want to develop the Philippine Islands, if we want to develop their industry, extend their trade, and induce capital to go there for investment, our first duty is to put an end to the hostile legislation by which we have been destroying their industries, their commerce, and their prosperity.

Mr. President, I am opposed to this fourth section for another reason stated by my friend from Nevada [Mr. NEWLANDS]. I am opposed to doing anything that will make it more difficult for us to get out of the Philippine Islands.

I might not have had the courage to express myself again on this question, in view of the result of the late election, but for the cheering and comforting words of the President in his

late message to Congress, to which I wish to direct brief attention. The President says:

I most earnestly hope that in the end they—

That is, the Philippine people—

will be able to stand, if not entirely alone, yet in some such relation to the United States as Cuba now stands.

The Democratic platform says:

We insist that we ought to do for the Filipinos what we have done already for the Cubans.

In other words, Mr. President, the President of the United States expresses the hope that the time will come when the principles laid down in the platform of the Democratic party will be triumphant and when they will prevail in the Philippine Islands. We welcome the President to the ranks of the anti-imperialists. I think by that statement he has almost qualified himself for membership in the Anti-Imperialist League of Boston. I believe the President has not quite gone so far really as he would like to go, but he has gone just as far in the direction of the Democratic platform at this time as his pride and his partisanship will permit him to go; and I am satisfied that he will continue to approach closer and closer until he will be found openly espousing and advocating its principles.

Mr. President, this renunciation by the President of the policy of imperialism is a very remarkable change from the attitude heretofore maintained by the Republican party in favor of a general policy of colonialism, advocating and proclaiming to the world that it was our manifest destiny to go forth and grab other people's lands, other people's goods, all over the world, and that we were to hold the Philippine Islands, "hold them fast—hold them forever," as a distinguished Republican Senator said upon this floor—"forever and a day," as the present Speaker of the House of Representatives expressed it. I say there has been a remarkable change in the President's attitude on this question, and I believe it will prove a progressive change. The President's expression on this question indicates to me that he is sick and weary and disgusted with his task. It is the groan of a weary Titan, who wants to turn loose just as soon as he possibly can; and I believe, if it were not a matter of pride with him, he would say that he stands squarely and emphatically upon the Democratic platform on this question.

That is the view held by some others, Mr. President. Here is the Chicago Inter-Ocean, which describes itself as the only Republican newspaper published in the city of Chicago. After commending the President's message as a whole, it gets down to what he has to say on the Philippine question. It says:

In referring to the Philippines, however, the President sounds a lower note, and a disappointing one. After declaring that the Philippine people "are utterly incapable of existing in independence at all or of building up a civilization of their own," and after rebuking the "foolish persons here at home" who engaged in "foolish and dangerous intrigue for a complete independence" of the Philippines, the President says:

"I firmly believe that we can help them [the Philippine people] to rise higher and higher in the scale of civilization and for capacity of self-government, and I most earnestly hope that in the end they will be able to stand, if not entirely alone, yet in some such relation to the United States as Cuba now stands."

Commenting upon that the Inter-Ocean says:

This is the expression of a personal hope and not a declaration of policy, but, nevertheless, as the utterance of a President, it will be given great significance. In effect, the President expresses the hope that in the end the policy, not of the Republican party, but that enunciated by W. J. Bryan and Judge Parker, may prevail in the Philippines.

Is not this lowering the party flag to an enemy driven in rout from the field? Is it not a suggestion that the time may come when American territory can be surrendered as the Democrats insisted in the campaigns of 1900 and 1904 that it should be surrendered?

Mr. President, candor compels me to say that that is true; candor compels me to say that the President has expressed the hope that the policy, not of the Republican party, but the policy enunciated by Judge Parker, by William J. Bryan, and by the Democratic party in its platform will prevail. It is true, Mr. President, that he has lowered the flag to the anti-imperialists. They so regard it, and the leading newspapers of his own party so regard it. This paper says again:

The expression of a hope on the part of the President that the Philippines may ever become other than American territory will not contribute to the Americanization of the Islands nor to the growth of American influence in the Asiatic Pacific.

Mr. President, that is true; we are bound to admit that that is true. When the President encourages the people of the Philippine Islands by distinctly holding out to them the hope of independence, it will not encourage them to rest satisfied and content under American rule. There can be no doubt in the world about that.

The President in his message indulges in his usual fling at all those who have the presumption to hold an opinion not en-

tirely in accord with his own, and to charge them with raising all sorts of trouble for the Philippine Islands.

Mr. President, if hereafter there shall be any trouble there the President will have no right to charge it to the Democratic party or to the Anti-Imperialist League, for he himself in his message distinctly holds out to the people of the Philippines the hope of independence. Whether it is to come sooner or later makes no difference. There is only one of two ways in which the people of the Philippines can be made content. One is to satisfy them that they will be given independence sooner or later, and the other is to absolutely crush out the spirit of independence and reduce them to a state of despair.

So, I say, the President himself has done more to create trouble by holding out a mere hope than if he had made a definite promise, for under a positive promise they would be content to wait, but so long as he holds out to them a hope which is qualified by fear and distrust, and so long as his words of encouragement are denounced by leading Republican newspapers, the Filipinos will be hoping for independence and at the same time they will be fearing despotism. This will do more, I say, to create trouble in the Philippine Islands than anything that ever has been or could be said by the Democratic party distinctly promising them independence.

So far as that is concerned, Mr. President, these people whom the President criticises are much nearer to him and to his present views than many of the leading members of his own party in this House and in the House of Representatives; and, more than that, there is a greater difference between the Roosevelt of to-day, who speaks such kindly words of the people of the Philippine Islands, who describes them as steadily climbing the heights and preparing themselves for independence, and the Roosevelt of three or four years ago, who reviled the whole people, without any discrimination whatever, as barbarians, savages, and Apaches—I say there is a greater difference between those two Roosevelts than there is between the Roosevelt of to-day and Judge Alton B. Parker and William J. Bryan.

I am opposed to the fourth section of this bill, and I concur very heartily with what was said by the junior Senator from Wisconsin [Mr. QUARLES]. We are proceeding too rapidly in this matter of trying to force the growth of civilization. The growth of civilization can not be forced. Gradual progress can be made, and it may be to some extent stimulated and encouraged, but you can not railroad any people from a lower stage of civilization into a higher.

APPENDIX.

In executive session Mr. CARMACK obtained unanimous consent to add the following as an appendix to his remarks:

Philippine conditions—The report of an independent observer—The Islands absolutely prostrated economically—Agriculture much depressed—The miseries of reconcentration—The large number of prisoners at Bilibid—The law a jumble of American and Spanish—Weakness of the native constabulary—Control of the press by intimidation and by government advertising—The most expensive administration the islands have known.

[By Prof. H. Parker Willis, of Washington and Lee University, Lexington, Va.; in the New York Evening Post, October 28, 1904.]

The prominence given by Secretary Taft to the Philippine question, and his assurance that satisfactory progress toward better things is being made in the Islands may lead persons who have not closely examined this subject to believe that insular conditions are all that they should, or at least all that they can, be. A recent visit to the Islands, extended through some four months and covering a wide field of observation, has not only led to a conviction on my part that this opinion is unfounded, but, further, I am satisfied that it is in all essential respects at variance with the facts. They are otherwise than as Secretary Taft represents them to be—quite otherwise.

This statement is not intended to reflect on Mr. Taft's sincerity, but is made in the belief that the principles on which the Philippine Commission is organized necessarily prohibit its members, and particularly its head, from either coming into close touch with the natives or fully realizing the nature of conditions for which they themselves are responsible.

There can be no doubt that the general public of the United States is under grave misapprehension concerning the situation in the Philippines. Erroneous statements as to what has actually been done in the archipelago have been constantly put before them from many sources. They may well be described as "given to strong delusion, wholly believing a lie." If they could realize the state of affairs in those islands now prevailing, they would be horrified at the desolation wrought by war and disgusted at the failure of our "civil government" to lay even the foundation for improvement.

ECONOMIC PROSTRATION.

The Philippine Islands are to-day absolutely prostrated economically and politically. Hardly any undertaking is being successfully conducted. According to unpublished figures furnished by the internal-revenue office of Manila, about 5,000 licenses to do business have been issued to American individuals and firms during the period of our occupation. Of these firms and individuals all except some 800 have failed or withdrawn from business, or about 84 per cent of the total. The survivors include chiefly the very smallest establishments, such as boarding houses, saloons, etc. It appears that hardly more than half a dozen American firms of recognized capital are at this time actually doing business in Manila. The population of the city, formerly some 266,000 persons, has fallen (census 1904) to 219,900, owing largely to

depressed business. Simultaneously with this decline a heavy decrease in the American population has occurred (from 6,462 in 1901 to 4,389 in 1904). During the past summer at least three of the chief American business enterprises either failed or withdrew from the field. A steady and positive decline in all branches of trade with the United States is now in progress, as partially illustrated by the fact that for the seven months ending July, 1904, the shipments of domestic merchandise from the United States to the Philippines were \$2,530,899, as against \$2,593,924 for the corresponding months a year earlier, while the shipments of merchandise from the Philippines to the United States were \$5,978,148 for these same seven months, as against \$7,337,532 a year earlier. Relations between the United States and the Philippines under the tariff act passed by Congress in 1902 are so difficult that there is no reason to anticipate the building up of any satisfactory trade between the islands and the United States either now or in the future. Recent shipping legislation has depressed the interisland trade still further, both actively and by anticipation. To-day a large fleet of Philippine steam vessels is anchored off Cavite with absolutely no occupation. This fleet is daily growing in size.

While the conditions in trade with our own country are thus discouraging, there is no warrant for the belief that the general outlook is more favorable. Much has been said by American administrators of a recent growth in exports and imports as indicating increased prosperity, but there is certainly no such inference to be drawn from the figures. Between 1899 and 1903 gross imports of merchandise increased about two and one-half times, but imports of food and animals quadrupled, the growth in this item being due to rice purchases for the support of the starving peasants and draft animals designed to replace those destroyed by war and rinderpest. Manufactured goods imported fell off largely between 1901 and 1903, showing a decline in productive business and articles of luxury, etc., more than doubled between 1899 and 1903, showing nothing more than a demand for such goods made by government employees in the islands. The growth in exports (chiefly hemp) is due simply to a partial restoration of peace and consequent resumption of regular dealings.

The trade conditions observable at Manila and other ports are merely a reflection of what may be witnessed in the interior. A journey through the provinces can not help giving a most discouraging impression. Many towns, formerly well built, and destroyed during the war by some one of the various armies, have been only partially, and even then badly, rebuilt. Churches are in ruins; whole villages here and there lie waste. In many parts of Luzon the roads and trails, nearly impassable, are daily falling into worse condition. Barring one initial appropriation of about \$1,000,000 and some recent appropriations from the Congressional relief fund, nothing has been done by the central government in road making except to sink some \$800,000 in attempting what seems to be an impossible road to the summer resort at Benguet. The bridges blown up or otherwise destroyed have in few instances been replaced. It is the common opinion that land travel is more difficult and slower than ever before.

CONDITION OF AGRICULTURE.

The increasingly depressed state of agriculture in these rice-growing islands can be realized by a review of the importations of rice during the past four years. These have been as follows (Report 1904, p. 48):

1900	\$3,113,423
1901	5,490,958
1902	6,578,481
1903	10,061,323

This growth in the imports of rice is attributed by Philippine farmers not to changes in agriculture, as intimated by Governor Taft, but to three causes: (1) The almost total loss of their farm animals (estimated officially at 90 per cent) due to war and rinderpest; (2) injury done to irrigation systems during the war; (3) the scarcity of adult male labor as a result of the war. The "disproportionate number of women and children" consequent upon the war is still noticeable. Most of these farmers are now drawing on their savings or are borrowing at rates averaging at least 20 per cent in order to get subsistence and pay their taxes. The imposition of heavy land taxes in the provinces by the Commission has led to a general expropriation in some quarters. In others the suffering has been so intense that the Commission has had to suspend the tax in default of putting up for sale the bulk of the landed property of the province. In some provinces hundreds of pieces of property, many of them not exceeding 2 acres each, have been scheduled for sale. No machinery for providing loanable capital has been introduced by the Commission, and the requirement that land shall be registered at a heavy fee in order to prove titles is working great immediate hardship.

The depression in rice culture is paralleled for a different reason in the growth of sugar. Sugar could be raised with much less reliance on animal labor than could rice; but the American tariff situation absolutely forbids the possibility of making a profit on it. Planters state that under present tariff duties they can barely cover the cost of production. Tobacco is in a suffering condition, owing to new tariff duties in several eastern countries. Hemp is the only article in which prosperous conditions of production now exist; but its cultivation must always be narrowly limited to certain soils and localities. Parallel with the bad trade and agricultural outlook has come a great increase in cost of living, which is now fully double its former amount in some places. So hard has it been to get even a bare subsistence that the population has become greatly reduced in vitality and has fallen an easy prey to the series of terrible epidemics of the past three years. The Philippine tariff on imported commodities is so arranged as practically to forbid imports of agricultural machinery, and the Commission professes to be unable to change it without Congressional consent.

SUFFERING AND DISSATISFACTION.

Partly owing to the bad industrial prospect, to actual suffering, and to intense and permanent dissatisfaction with existing political arrangements the unrest of the country continues to increase. When President McKinley sent the Philippine Commission to the islands he furnished certain clear-cut instructions as to the line of conduct it should pursue. "The Commission," he wrote (April 7, 1900), "should bear in mind . . . that there are certain great principles of government which have been made the basis of our governmental system, which we deem essential to the rule of law and the maintenance of individual freedom; . . . that there are also certain practical rules of government which we have found to be essential to the preservation of these great principles of liberty and law, and that these principles and these rules of government must be established and maintained in the islands. . . . Upon every division and branch of the government of the Philippines, therefore, must be imposed these inviolable rules:

"That no person shall be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; that excessive bail shall not be required nor excessive fines imposed, nor cruel and unusual punishments inflicted; that no person shall be put twice in jeopardy for the same offense or be compelled in any criminal case to be a witness against himself; . . . that no law shall be passed abridging the freedom of speech or of the press or of the rights of the people peaceably to assemble and petition the Government for a redress of grievances, . . . and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed."

Have these instructions been fulfilled? Although the islands have now for about three years been under the full control of what is technically known as a "civil government," there are certain facts which indicate that the term "civil" is a misnomer. It is further true that this term is becoming progressively less and less applicable to the administration of the Philippines. Notwithstanding that in the beginning many of the provinces were organized as civil governments, it has been thought necessary now and again to substitute a politico-military government, and to-day at least six of the provinces are still organized on that basis. Extreme military methods for controlling the population are provided for by law and their application in certain cases authorized. Of these the most marked is what is known as "reconcentration."

RECONCENTRATION.

The use of this plan for reducing a population to submission is authorized by section 6 of the Commission's act No. 781, further organizing the constabulary, in the following words:

"In provinces which are infested to such an extent with ladrones or outlaws that the lives and property of residents in the outlying barrios are rendered wholly insecure by continued predatory raids, and such outlying barrios thus furnish to the ladrones or outlaws their source of food supply . . . it shall be within the power of the civil governor, upon resolution of the Commission, to authorize the provincial governor to order that the residents of such outlying barrios be temporarily brought within stated proximity to the poblacion or larger barrios."

It is a fact that no recent year has passed without the application of this policy on a large scale. In 1902 it was undertaken in the region about Lake Taal, comprising parts of Laguna and Batangas provinces. It then affected not less than 100,000 people, according to the report of Colonel Wagner, who inspected the camps (S. Doc. 331, 57th Cong., 1st sess., pt. 3, p. 2873), each of which included from 8,000 to 14,000 persons. During 1903 the same plan was pursued in Albay, where very large areas were entirely deprived of population, the inhabitants being herded in camps like those of Batangas. During the current year reconcentration has been ordered for Samar (executive order of August 15) throughout a region including about 20,000 inhabitants.

Besides the official application of the policy on a large scale, other instances have occurred. Several camps now exist in Cavite, and, not long since, reconcentration was tried in Tayabas, without official authority, according to Ex-Governor Taft. It is beyond the question, from the testimony both natives and Americans who are conversant with the workings of reconcentration, that its effects are most disastrous, causing widespread suffering. In the camps food is distributed only when extreme want requires it, work on the roads being sparingly furnished to those who are able thus to supply themselves with rations. The lack of house accommodations and the scarcity of food, as well as the overcrowding of the inmates of the camps, have invariably caused marked increase in mortality. At the same time there has been a tremendous loss of crops and houses throughout the districts in which reconcentration has taken place. The hemp losses chargeable to reconcentration in Albay are estimated by Mr. Taft at from 10,000,000 to 12,000,000 pesos, or \$5,000,000 to \$6,000,000 United States (Report, 1904, p. 52), an enormous loss when the limited character of native resources is considered.

Even this estimate is certainly too low, and would have to be largely increased if other commodities besides hemp should be considered. A vastly larger loss was unquestionably inflicted upon the province of Batangas, which has the appearance of being wholly ruined, owing to the destruction of coconut and other trees. The authorities speak of the treatment accorded to this province as a "severe lesson," and there is in the Philippines none of the familiar pretence that reconcentration operations can be carried on without hardship of the most terrible character.

Total losses of crops left without tendance in the reconcentrated districts, of houses burned by the careless or malicious soldiery, and general ruin to fixed capital, necessarily result in most serious suffering when the inmates of the camps are released and find themselves deprived even of the scanty support furnished them while in confinement. The natives had become so accustomed to the use of reconcentration by the Spaniards that they regarded it as a matter of course in time of war. They resent very bitterly, however, the pretence that civil government exists when such methods are employed; and this is the first complaint usually made by intelligent Filipinos, when questioned concerning reconcentration. They feel that Mr. McKinley's "rules" ordering that "no person shall be deprived of life, liberty, or property without due process of law, and that private property shall not be taken for public use without just compensation," have been violated.

SEVERE LEGISLATION.

The readiness of the Commission to make the whole population suffer for the acts of a small body of insurgents or ladrones is further shown in the operations under act No. 518 and its subsequent modifications. This act imposes the penalty of death, or at least twenty years' imprisonment, for membership in a ladrone band, providing that "to prove the crime . . . it shall not be necessary to adduce evidence that any member of the band has in fact committed robbery or theft." A further provision (sec. 4) specifies that "Every person knowingly aiding or abetting such a band of brigands . . . by giving them information . . . or by securing supplies of food, clothing, arms, or ammunition . . . shall . . . be punished by imprisonment for not less than ten years." This legislation has been carried further by act No. 1121, which enlarges the number of commodities, theft of which constitutes "highway robbery," and gives

a broader scope to the kinds of assistance that may be rendered to such a band. It is not now safe to give even the traditional cup of cold water to a suspected ladrone. The object of this whole series of acts, like the use of the reconcentration policy, has been to bring into subjection an unsympathetic population, and to render peaceful people responsible for the acts of a less submissive element. It is the testimony of capable American lawyers in Manila that under existing law it is entirely possible to convict any human being in the archipelago of "bandolerismo" (the local name for membership in or assistance to organized bands of insurrectionists), without regard to guilt. That such conviction can be secured is, in fact, the open boast of some constabulary officials. Filipinos believe that these statutes are inharmonious with the "great principles of government" which we deem essential to the rule of law and the maintenance of individual freedom.

How effective this legislation has been may be seen from the situation in the Bilibid prison. From September 1, 1902, to September 1, 1903, there was a growth of nearly 100 per cent in the population of this institution, the number confined on the latter date being 3,184. On a recent date (May 23, 1904) this number had risen to 4,420, a growth in less than nine months of 1,236 persons, or about 40 per cent. The net inward movement was then estimated by the authorities at 8 to 10 persons per day, which would mean a gross annual increase of 2,800 to 3,500. The total number of persons confined August 31, 1903, on charges of "aiding insurrection, brigandage, conspiracy, highway robbery, illegal custody of arms, rebellion, sedition, violation of oath of allegiance, violation of laws of war, violation of articles of war, and treason," was 1,093. These offenses do not include such crimes as murder, homicide, or theft, but represent the number of men confined for what we consider strictly political offenses. In other words, about one-third of all these prisoners were confined because of their connection with revolutionary movements. Supposing that the rate of increase in this class of prisoners had been the same as the ratio of growth in the total prison population, and eliminating 414 petty police-court offenders, it appears that fully 40 per cent of all long-time convicts now in Bilibid are confined for such political offenses. On a recent date the number of men confined in Bilibid who had been sentenced and were awaiting capital punishment was 100.

STATE OF THE JUDICIARY.

In bringing about these convictions, and in harshly enforcing the harsh legislation already referred to, responsibility must be divided between the judiciary and the constabulary. The judges have for the most part been under the thumb of the Commission, or incompetent and disposed to convict without sufficient evidence.

The defective character of the judiciary of the islands has been fully recognized by authoritative writers. Mr. Colquhoun, the English author of a recent book, *Greater America*, speaks of it (p. 343) as a well-known fact, and other foreigners fully agree with him. We, in fact, took to the islands a body of judges for the lower courts, many of whom knew little American, and no Spanish, law; who were ignorant of the Spanish language, and who had never heard the native dialects. The evil features of the present situation seem to be as follows:

(1) The judiciary act (No. 136) contains no provision for the length of tenure of judges in courts of first instance, and no process by which they may be publicly impeached and removed from office. They hold their places subject to the will of the Commission.

(2) Few of them speak and understand Spanish, and they are consequently unable to follow the testimony in the courts only with great difficulty. This is a notorious fact.

(3) A system of venal or incompetent interpreters has been developed, through whose errors or corruption many innocent men are brought into jeopardy. Numerous cases of the sort can be cited.

(4) The Commission has assumed the privilege in some cases of suggesting to the judge in advance the direction to be taken by his verdict. Cases of this kind are vouched for by two high officers of the Philippine government, by one ex-judge, by prominent lawyers in Manila, and by intelligent natives.

(5) No legislation or precedent exists whereby judges are distributed according to a known system, so that it is customary to bring a judge of well known ultra administration sympathies to try a case where a certain kind of verdict is wanted. Some judges have been permanently transferred to another district as a kind of penalty for anti-administration verdicts. Some have been asked to resign; others have been ostracized, and thereby forced to resign and leave the islands. A review of the names of the judges appointed during the last three years and their later history fully illustrates this statement. It should be added that in revising the Spanish substantive law we have eliminated most of its characteristic features and have left it a medley of heterogeneous provisions drawn from American State systems, and roughly put together for a bench most of whose members knew no Spanish law. In Americanizing the law of the islands we have, however, omitted the principles of trial by jury, and other protections to individual rights. The present confusion is keenly felt by the best Spanish and Filipino lawyers and by the most informed of our judges. No more drastic criticism on the work of our legal revisionists could be penned than the "Notes to the Spanish Civil Code," lately published by Judge Willard, formerly of the Philippine bench. The bad judicial and legal situation was fully presented to Mr. Taft before he left the islands by eminent members of the Manila bar, but he failed to take action, suggesting political motives for the criticisms.

CONSTABULARY SITUATION.

In close connection with the status of the judiciary should be considered some of the recent developments in the organization of the native constabulary. In organizing this force (act No. 175) it was provided that its members should be drawn from the province where stationed, thus giving it the character of local police. This policy is highly praised by Governor Wright in his most recent report as secretary of commerce and police. The plan has, however, been entirely vitiated by the act of Congress passed January 30, 1903, whereby the use of the Philippine Scouts, under command of the chief of constabulary, was ordered. These scouts are chiefly Macabebes and Ilocanos, and they have uniformly been stationed in provinces toward which they feel strong racial antipathy. Moreover, the rule that the constabulary should be recruited in the provinces where they were to serve seems to have been frequently violated. As time has gone on, too, the constabulary has approximated much more closely to the military type, and has lost its original character as a police force. Its members have ceased to live among the people or in their own homes, have been gathered into barracks, placed upon a basis of military pay and rations, and are now substantially a military force like the scouts. They are described as "peace officers," but are authorized to arrest men "without warrant." Constabulary officers are of two classes—old soldiers

elevated from the ranks of the regulars, and young, inexperienced men brought from the United States. Under the first class of officers serious abuses and hardships have been inflicted upon the population. Under the second class evils of disorganization and laxity have become prevalent.

At various points the constabulary or scouts have inflicted torture, as in Cavite; done violence to women, as in Isabela Province, and committed cold-blooded murder, as also in Isabela; arrested men without warrant and instituted unreasonable searches and seizures, as in Cavite; have stolen personal property, or taken it without payment, as in Masbate and elsewhere, or have grossly violated public order, as in Cebu. The foregoing provinces are mentioned because the abuses in each and every case there referred to can be established by the testimony of reliable eyewitnesses. Trustworthy Philippine lawyers affirm that there are hundreds of men all over the islands who are confined by the constables without any warrant of law. It is certain that the irritation aroused among the people by constabulary outrages is nearly universal. In fact, the uniform reply to questions concerning the constabulary situation is that the force is "as bad as the Guardia Civil" of Spanish time—a verdict than which none more severe could be imagined. It deserves to be added that the hardships inflicted by the constabulary have not been directed against the ladrones, but against the peaceful inhabitants. Ladroneism still continues in different regions, apparently in some cases through the connivance of the constabulary. The constables have been vastly more active in campaigning against insurrectos than against those ladrones whose only motive was robbery. In the former case, they have, when able to surround a small band, often butchered them without quarter, as in the case of the force of Gen. San Miguel, which was literally cut to pieces toward the end of 1903. General Allen, chief of the constabulary, states, in conversation, that the records of his bureau are "filled with complaints against the force," but he never finds that the charges have any foundation. This is attributable to the fact that constabulary abuses are always investigated and reported upon by constabulary officers, usually belonging to the very locality where the abuses complained of have been committed. It is only by outside investigators that the facts can be established. This makes it the more to be regretted that the Commission has almost uniformly refused to investigate charges of this sort directly.

CONTROL OF PUBLIC OPINION.

The great difficulty encountered in correcting abuses prevalent in the Philippines to-day probably lies in the absence of any freedom of speech or of the press. Act No. 292, known as the "sedition act," provides that "if two or more persons conspire to overthrow, put down, or destroy by force the Government of the United States in the Philippine Islands . . . such persons shall be punished by a fine of not more than \$5,000 and by imprisonment, with or without hard labor, for a period not more than six years." Under this act, and by the use of the constabulary spies, it has become unsafe for private persons to attend social gatherings, or express political opinions in their own homes. Expressions by letter are equally dangerous, owing to the searching of the mail—a process which, it is thought by Señor del Pan, of the Manila bar, in his argument on the recent Lukban case, has been carried vastly further, and has been more arbitrarily used, than under the Spanish administration. While prosecutions under the sedition act are chiefly directed against natives, restraint of the Americans is mainly carried under Act No. 227, known as the "criminal-libel act." This law defines a libel as a "malicious defamation," and specifies that the truth of the libel shall not constitute a defense unless it shall be shown that publication was made "with good motives and for justifiable ends," a point not easily to be established before Philippine courts. The provisions of this act, taken in connection with those of the sedition act, are such as to make it practically impossible to express an opinion adverse to the administration or any member of it without becoming liable to prosecution.

In cases where a critic is too influential, or where his criticisms and charges are too carefully phrased to admit of prosecuting him, a process of ostracism takes place which is usually very effective, as Manila society consists chiefly of officeholders who take their bias directly from those in authority. An American bishop stationed in Manila expresses in conversation the opinion that the "impotence of criticism shown by the Commission" is one of the most disastrous features of the present Philippine situation. The hostility of the higher authorities, he asserts, is visited upon preachers who venture to criticize a member of the Commission or any of its policies. In the recently concluded "O'Brien libel case" the two defendants, who conducted a newspaper in Manila, were sent to prison on the ground that they had published a report of some court proceedings containing statements unfavorable to the defendant, who happened to be a member of the Commission. It was admitted that the report was correct; but the technical point was made that the headlines did not accurately describe the substance of the article.

In recent decisions handed down by courts of first instance in Manila, heavy penalties, including both fine and imprisonment, have been awarded not only to the author and producer, but even to the actors in the play, "Hindi Ako Patay," a dramatic production of an allegorical character, in which Philippine independence was hinted at.

A process of buying the good will of publications through the award of Government advertising and other favors has been used to supplement the methods of intimidation already suggested. The expression of opinion through the agency of political parties has also been placed under severe restriction. The Nationalist party, which attained a considerable degree of strength about two years ago, was destroyed by prosecutions directed against important men in the organization. Under purely technical attacks upon the form of its constitution, a workmen's union was recently driven out of existence because of the belief that its purpose "was primarily political." These statements are vouched for by the prosecuting officers of our Government in Manila, who freely admit the ulterior purpose of the prosecutions in question. During the past summer efforts were made to recast the platform of the Federal party in such wise as to demand independence. The revised draft was shown to members of the Commission as a precaution, and these gentlemen requested its suppression on the ground that "it would embarrass Mr. Taft just at this time." The platform never appeared in print.

Do these conditions agree with President McKinley's "rule" that "no law shall be passed abridging the freedom of speech or of the press, or of the rights of the people peaceably . . . to petition the Government for a redress of grievances?"

COST OF ADMINISTRATION.

The system of government just described has not even the merit of economy. It is by far the most expensive government the island has ever known. The Schurman Commission (Report, vol. 1, p. 80) gave

the annual receipts of the Spanish Government in 1894-95 as \$13,579,900 Mexican, of which sum about \$9,000,000 was derived from internal taxes. The new internal-revenue law of the Philippines just passed is estimated to produce from \$10,000,000 to \$11,000,000, and is apologized for by its authors as "no worse than the Spanish." The Schurman Commission quotes (page 79) expenditures of the Spanish Government in 1894-95 as \$13,280,130, of which sum \$4,045,061 was for war and \$2,450,176 for navy, the balance—some \$6,700,000—being civil outlay. As against this sum it may be noted that our outlay for the year 1903 on strictly civil expenses was about \$22,000,000 Mexican currency. To this should also be added probably \$2,000,000 for the cost of provincial administration and a somewhat greater sum deducted for permanent improvements. Conversely, there should be large reductions in the "civil outlay" noted above for the Spanish Government, as that figure includes the cost of carrying on the church, some diplomatic expenses, and other items. Without going into these changes in the accounts in detail, it may be stated that the cost of our civil administration is from three to five times as heavy as that of the Spaniards—yet the Schurman Commission complained of Spanish administration on the ground of "costliness."

Nor can the indictment of the expense incident to Philippine administration stop with local conditions in the islands. The Philippines are tremendously expensive to the United States. According to Gen. George W. Davis (Report Div. of Phil., 1903, p. 50), the annual cost of the army and navy in the Philippines in actual cash is at least \$21,000,000 gold. This estimate was based upon a force (scouts and Americans) of about 23,000 men. As the present force is probably 3,000 men smaller, a reduction of corresponding amount must be made. This, however, is far more than offset by the cost of the Philippine mail service, which falls largely on the United States; of the army transports, both trans-Pacific and interisland; by the facts that tropical service counts double time toward retirement for enlisted men; that claims for pensions are more numerous as a result of such service; that many army officers are now serving in the Philippine government at the cost of the United States; and that, in a variety of ways, the islands are a continuous draft on our Treasury. Conservative estimators place the present annual money cost of the Philippines to the United States at not less than \$25,000,000.

Nor does the money laid out for civil expenses "go largely to Filipinos," as so often claimed. A review of the personnel of the government during the past three years shows that the number of Americans holding civil offices in 1903 was 3,458, as against 2,777 in 1902, and 2,044 in 1901, while the number of Filipinos for these three years was 3,318, 2,697, and 2,562, respectively. In other words, there were employed in 1901 25 per cent more natives than American, while in 1902 the natives were about 3 per cent less numerous than the Americans and 4 per cent less numerous in 1903. In the latter year the 3,318 Filipino employees drew aggregate salaries of \$1,497,610, while the 3,458 Americans drew \$4,284,482.

GENERAL SUMMARY.

As General Davis mildly states the situation (Report, 1903, p. 31): "Americans in the Philippines have not so far been an unmixed blessing to the native inhabitants." We have, in fact, destroyed the public buildings of the country, inflicted continuous crop losses, during a period of six years; ravaged and burned large sections of territory; produced conditions leading to the death of most of the farm animals and to serious human and animal epidemics; brought foreign trade to an unprofitable condition by our tariff legislation; inaugurated a tremendously expensive government for the benefit of foreign officeholders; established a partisan judiciary; crowded the prisons, and deported or sent to the gallows the best and most patriotic of the native leaders.

Mr. FORAKER obtained the floor.

Mr. BAILEY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. I yield to the Senator to offer an amendment only, as the Senator said he desired to offer an amendment.

Mr. BAILEY. I desire to preface that amendment with this statement: Earlier in the session I intimated a doubt as to the power of the United States to exempt the bonds and other evidences of indebtedness issued by the municipalities in the Philippine Islands. The more I think of that the more I am persuaded that they are not in any proper sense the agencies of the Federal Government; and for that reason I move to strike out the first section of the bill.

The PRESIDENT pro tempore. Will the Senator, please, at his leisure send the proposed amendment to the desk, so that it may be ready for action?

Mr. BAILEY. Certainly.

Mr. FORAKER. Mr. President, at this late hour—

Mr. STONE. Will the Senator yield to me?

Mr. FORAKER. I hope I shall not be asked to yield.

Mr. STONE. Only that I may offer an amendment.

The PRESIDENT pro tempore. The proposed amendment will be received and lie on the table.

Mr. STONE. Let it be read, Mr. President.

The PRESIDENT pro tempore. The Senator from Missouri asks that his amendment be read.

Mr. FORAKER. I yielded to the Senator for a moment to offer his amendment, but it can be offered after 3 o'clock and read then, if the Senator is not particular. It can be offered at any time before the final vote is taken; but I will yield, as it seems to be a short amendment.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. In section 1, page 2, line 8, after the name "Porto Rico," it is proposed to insert the following:

Provided, That nothing in this act shall be so construed as to make or hold the Government of the United States in any manner liable to

pay any bonds that may be issued by the government of the Philippine Islands or any municipal or other subdivision thereof under the provisions of this act.

The PRESIDENT pro tempore. The amendment will lie on the table.

Mr. FORAKER. Mr. President, inasmuch as there is a very short time remaining until we have to vote and other Senators are anxious to make some remarks, I shall be very brief in what I have to say. I rise only that I may put into the RECORD the statement that this is the fourth time an amendment of this character has been offered. I stated only a few days ago that the RECORD shows that an amendment of this character—I mean the amendment I offered, and about which the Senator from Tennessee [Mr. CARMACK] has been talking—was offered on the 24th of February, 1902. That was an amendment offered to a revenue measure originating in the House of Representatives and sent here by that House. It was, therefore, within the contention of the Senator, as he has made his contention here to-day, and yet, as I remember it, the Senator was opposed to that amendment at that time.

Mr. CARMACK. What amendment was that?

Mr. FORAKER. It was an amendment I offered reducing the rates to 25 per cent of the Dingley law on dutiable goods imported into this country from the Philippine Archipelago.

Mr. CARMACK. When?

Mr. FORAKER. I offered that amendment on the 24th day of February, 1902.

Mr. CARMACK. My recollection is that I was in favor of it.

Mr. FORAKER. No. My recollection is that the Senator made a very strong speech in opposition. I think he said something about my amendment being in the nature of a gold brick—I have forgotten just what his expression was.

Mr. CARMACK. No. After the Senator's amendment had been changed to a reduction of only 25 per cent, instead of as he first proposed it—75 per cent, I opposed it. I should have supported it if the amendment had remained as he had offered it.

Mr. FORAKER. I offered the amendment providing for a reduction of the duties to 25 per cent of the Dingley rates—a reduction of 75 per cent. Afterwards, failing to get any encouragement that that could be passed, I made it a reduction of 50 per cent, and still the Senator was opposed to it. I never heard of his willingness to support it when it was reduced to 25 per cent of the Dingley rates. But I am only calling attention to the fact that he was in opposition to the amendment at that time.

Mr. CARMACK. If the Senator will permit me, at the session before the last, when this matter was up, I very earnestly supported the proposed reduction to 50 per cent, although I preferred a reduction to 25 per cent.

Mr. FORAKER. I am coming to the record now. On the 14th day of February, 1903, I offered a similar amendment, and again the Senator was in opposition. That was an amendment offered to a bill originating in the House of Representatives to raise revenue, or affecting the revenues of the Philippine Islands. Then, on the 3d day of March, 1903, this question was here again, and it was my recollection, until the Senator just now corrected me, that he was then again in opposition to it.

Mr. CARMACK. No, sir.

Mr. FORAKER. I remember that the two Senators from Colorado spoke very energetically in opposition to that amendment.

Mr. CARMACK. I spoke in favor of it.

Mr. FORAKER. Then I am glad to be corrected and I am glad to know that the Senator will, when we get another measure here from the other House, be willing to support an amendment of this general character.

Mr. CARMACK. If the Senator will permit me a moment, I do not say that I will vote for any measure that may be brought here proposing a reduction in the Philippine tariff. It must be a real and substantial reduction. As to the measure of which the Senator was speaking, I remember saying at the time that I would vote for it with a great deal of contempt, because I did not believe that amendment would give a substantial reduction of the Philippine tariff duties or that it would do the people of the Philippines any good. I will vote for such a reduction as the Senator is proposing in his amendment to this bill.

Mr. FORAKER. The amendment I presented at the time to which the Senator refers, which he spoke in favor of, and to which he now refers, proposed a reduction to 25 per cent—a reduction of 75 per cent.

Mr. CARMACK. That was changed to 50 per cent.

Mr. FORAKER. It was afterwards changed to 50 per cent, as the Senator says, but I did not understand the Senator to

object at that time on the ground that it reduced duties only 50 per cent.

The amendment I am offering at this time, and which I say I want to offer again, ought to satisfy the Senator, if anything short of absolute free trade will satisfy him, because it puts all articles coming into this country from the Philippine Archipelago on the free list, excepting only sugar and tobacco; and it reduces the duty on sugar and tobacco to 25 per cent of the Dingley rates.

Mr. CARMACK. I will vote for that.

Mr. FORAKER. I am glad to hear that. The Senator will be given a chance the first time an appropriate bill comes along.

Mr. BERRY. I will say to the Senator from Ohio that the Senator from Alabama [Mr. PETTUS] has offered such an amendment to this bill.

Mr. FORAKER. The Senator from Tennessee [Mr. CARMACK] read from the Chicago Inter-Ocean, a very ably conducted Republican paper. I have in my hands one of the most ably conducted Democratic papers in this country, and, in view of the Senator's speech, I think I ought to have read from the desk the leading editorial published in that paper on December 14, last Wednesday, two days ago.

Mr. PLATT of Connecticut. To what paper does the Senator refer?

Mr. FORAKER. The Cincinnati Enquirer, one of the most influential Democratic papers in the country. I do not know of any Democratic paper that has a larger circulation, or one that has more influence on the politics of our part of the country at least. I ask the Secretary to read the editorial.

Mr. STEWART. Can it not be inserted in the RECORD without reading?

Mr. FORAKER. No; I want it read. It will only take a moment.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

NO MORE FOR THE ENQUIRER.

Mr. PLATT of Connecticut. Does not the Senator think that under the system we are now pursuing, within the next ten or twenty years the Philippine Islands will be just as independent as they would be under a protectorate?

Mr. NEWLANDS. No, I do not think they will be. I was saying that the positions of these two leaders were approximately the same, and I stated the views of Mr. Bryan. Mr. Roosevelt's recent message contains his view, which I assume will be the view of the Republican party.

Mr. FORAKER. Will the Senator from Nevada allow me to interrupt him for a question?

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Does the Senator from Nevada yield to the Senator from Ohio?

Mr. NEWLANDS. Certainly.

Mr. FORAKER. I should like to know why the Senator, in stating the positions of the two men as the positions of their respective parties, ignores the views of Judge Parker on this subject?

Mr. NEWLANDS. I do not ignore them.

Mr. FORAKER. The Senator has not stated them.

Mr. NEWLANDS. I do not ignore the views of any Democrat in the country, but I refer to Mr. Bryan to-day and during the last eight years as the acknowledged leader of the Democratic party, and I refer to Mr. Roosevelt as the leader to-day of the Republican party. (CONGRESSIONAL RECORD, December 12.)

It is, of course, not possible to say how many people in this country the distinguished Senator from Nevada represents in his sweeping assertion of leadership; but there is certainly one journal which can not be delivered to such a following. Under such leadership as Mr. NEWLANDS declares to be existent to-day, or under conditions which it helped to create this year, the Democratic party has gone to disaster in three Presidential elections, and the wreckage has been more complete and awful in each successive year.

There is no dispute of the right of Mr. Bryan and those politically associated with him to persist in their doctrines. There need be no disparagement of their eminent ability and sincerity. There is no occasion for regret or apology for a course that once seemed to be the right one. But why should there be an obstinate standing out against three popular verdicts—the last one almost the strongest in the history of our Union? Why undertake, while the streams on the last battlefield are still red, to nominate for leadership again the generals who have thrice led their soldiers to humiliating defeat?

The time has come for a general showing of hands. The Enquirer is ready with its pronouncement. It will not, under any circumstances, fall in with a leadership that has been three times rebuked by the people, but has still insisted on governing the party councils. It will not yield obedience to men who have just been enormously repudiated by their own party. It will not be coaxed, wheedled, or dragged into a suicidal course by suggestions of party fidelity. It is for America, and for the American people. It bows to their will as to what is necessary for the splendid advancement and development of the country. It is for prosperity and not for calamity for the sake of triumph. It is in the proud company of Democrats, numbering in the millions, who refused at the last election to be delivered. It touches elbows on either side with legions who did not find in Bryan or Parker the exemplification of true Democratic faith.

Good luck to Mr. Bryan and his friends in their personal affairs. No recriminations and no hard feelings. But no more Bryan leadership, no more dilution of Democracy with Populism, repudiation, and heresy; no more restraint on the flight of the American eagle, and no more tugging at the holding-back strap for yours truly, The Cincinnati Enquirer.

Mr. STEWART. Mr. President, I do not think Senators fully appreciate the importance of railroads to the accomplishment of what we propose to do in the Philippine Islands—to civilize

and build up. Before the advent of railroads civilization was substantially limited to water courses. The people had to be near water transportation, and the interior was hardly penetrated. Now we are making appropriations to send teachers and other civilizing influences into the Philippines. If we do not have railroad communication, the people of the Philippine Islands will be in the same position that they have been under the Spaniards for the last three hundred years. The contact of the Spaniards with those people was confined to the harbors and the water courses where navigation could be had. The interior of the islands, small as they were, remained as it had been—outside the influence of civilization.

In our own country, previous to the building of railroads, development was confined to the Mississippi and the Lakes and the lands near by which could be easily reached. So it has been in all countries. But the advent of railroads has sent water courses, so to speak, or their equivalent, into the interior. If you send teachers into the Philippine Islands without railroads, they will have to stay at the ports. You can not protect them in the interior. If you have railroads, at every depot you will have a trading station where people will be protected and where the natives can see the power of civilization, where they can come in contact with civilizing influences. Barbarism is not driven out of any country by power, except the power of association. The natives must see what civilization is. You can not take it into the interior without railroads.

The invention of railroads has revolutionized the means of civilizing the interiors of all countries, and to say that you can raise up the Filipinos and you remain at the seaports, the interior not occupied by you, not occupied by your school-teachers and your churches, and all that, which they would have at every depot if they had railroads, is out of the question. It never has been done, and it can not be done in the case of the Philippines.

In case of war railroads furnish the cheapest method of conducting war. In fact, they dispense with the necessity of war. The railroads are the peacemakers of the world, particularly in barbarous countries. There will be no uprising where railroads go. The armies can follow too quickly. The people soon understand that. We will wage no war of oppression, but we will carry on war there if the people rebel. But the best way is to take away from them the inclination to rebel.

If you build railroads there they will know that rebellion will be futile, and they will not attempt it; and besides, they will soon see the blessings of civilization. They will have a market. They will make money. They will be employed. Our teachers and schools and churches will be there, and the influence of civilization will be over them, and you will build them up.

To talk about civilizing the Filipinos without railroads is idle. It never has been done in any country in the world. It never will be done. Railroads will be the instrumentality of civilization from this time on. They make the interior as accessible to civilization as the ports on the ocean, equalizing conditions, multiplying the means of subsistence and the homes of mankind.

It is said we should wait. I say we have not gone fast enough. The railroads should be the pioneers when the object is to civilize. When our object is to bring people in contact with civilized institutions, the railroads should take them there. You have not gone fast enough. If we had commenced to build railroads in the Philippines when we first got the islands the people would have been far on the road to being able to maintain government. If you want to prepare them for independence, if you want to prepare them for self-government—as all parties now declare they do—if that is the object, do it quickly, and the only way to do it quickly or to do it at all is to give them railroads.

Mr. NEWLANDS. Mr. President, I regard the amendment to section 4 which has been proposed by the Senator from Wisconsin [Mr. SPOONER] as much more satisfactory than the present section. But as it has not been printed and I have not been able to examine it critically, I can not yet say whether I will support it by my vote. Judging from the reading that was given of this section at the desk, I think that it does not cover the question of taxation, which I regard as one of the highest importance—namely, that a fixed and certain rule shall be established now for the taxation of these railway systems. I think this is fully covered by the amendment which I have offered, which proposes to tax the gross receipts of these railroads 1 per cent per annum for five years, during the period of infancy, and gradually to increase this tax at the rate of one-quarter of 1 per cent per annum until a maximum of 5 per cent on the gross receipts shall be attained, that tax to be imposed in lieu of all other taxes either upon the railroad or upon its stocks or bonds.

And here let me say that I differ with my friend the Senator

from Texas and my friend the Senator from Maryland regarding the matter of exemption from taxation of these bonds in the United States. I believe when we tax a railroad we should tax but one value and we should tax it entirely to the railroad corporation, and that after we have taxed the whole in the hands of the railroad corporation we should not tax or permit to be taxed the parts in the hands of bondholders and of stockholders; that that is double taxation.

Mr. BAILEY. The Senator from Nevada overlooks the fact that there is no exemption of railroad bonds, and therefore what he says has no reference.

Mr. NEWLANDS. Very well. I will also apply it to these municipal bonds to which he refers. What I have said will apply to section 4 as I have proposed to amend it. But I will also speak of municipal bonds, to which he refers. We will assume that these municipal and Philippine government bonds are negotiated in this country and the money which is now in this country and subject to taxation is transported to the Philippine Islands and there put into public works. The value represented by that money is in the works and not in the bonds. The bonds are simply the representatives of the money that has gone into those works. Those works are in the Philippine Islands and not in the United States. There is the place of jurisdiction for taxation. If it is public property, of course it is not taxable. If it is private property, the property there is taxable and the stock or bonds representing the investment there, in my judgment, ought not to be taxable any more than a title deed of property in the Philippine Islands should be taxable in this country.

Mr. BAILEY. Mr. President—

Mr. NEWLANDS. I have only a few moments.

Mr. BAILEY. I dislike to see the Senator from Nevada make a mistake like that. A title deed has no value, but a bond has.

Mr. NEWLANDS. The property has value, but the bond only has value and the stock only has value because the property which they represent has value, and that property is in the Philippine Islands, absolutely free from the jurisdiction of this country or from its protection.

Now, I insist upon it that we have a confused and complicated system of taxation in this country, arising out of this fact. In this country we have a system of taxing the railroads in the hands of corporations, assessing the whole property, and then taxing the stocks and bonds—the parts in the hands of the owners—and the result is that the holders of stocks and bonds do not return their property for taxation. The exceptionally honest ones may, but they are few. If you look over the tax returns of this country you will find vast aggregations of stocks and bonds nominally under the law subject to taxation, but not upon the tax rolls.

Suppose they were upon the tax rolls. What would happen then? The bonds of a railroad enterprise are negotiated at about 3 or 4 per cent. If the bonds themselves are subject to taxation under the laws of the various States, the average tax is at least 2 per cent. The result is that the return to the owner of the bond is halved by the tax. And I ask you, how can you inaugurate or maintain any system of bonds upon great public enterprises, which confessedly you wish to negotiate at a low rate of interest, if you allow them to be taxed, and allow a tax to be imposed equivalent to one-half the rate of interest called for by the bonds? So, as a matter of public policy, I say it is unwise, and as a matter of justice it is unjust, to tax the parts as well as the whole, and if these railroads are in the Philippine Islands they should be taxed there and not in the United States, and they ought not to be taxed here through the medium of stocks and bonds, which are simply representative of values and property there.

The PRESIDENT pro tempore. The hour of 3 o'clock has arrived. The bill is in the Senate as in Committee of the Whole and open to amendment. The Chair thinks it will expedite business if Senators will offer the amendments which they have heretofore sent to the table.

Mr. BAILEY. Mr. President, I do not comply with the request of the Chair to send to the desk a written amendment which I offered, because I understand the Senator from Maryland, while I was called from the Chamber for a moment, offered the same amendment, to strike out the first section.

Mr. GORMAN. It is pending, and is at the desk. I offered it this morning. It has not been printed. It is to strike out all after the enacting clause to the end of the section.

The PRESIDENT pro tempore. The Senator from Maryland offers an amendment, which will be stated.

The SECRETARY. On page 1 strike out all after the word "assembled," in line 2, to the end of section 1, including the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Maryland.

Mr. GORMAN. On that I ask for the yeas and nays.

Mr. BACON. Has the amendment offered by the Senator from Ohio to this section been acted upon?

Mr. FORAKER. I think the Senator in charge of the bill accepted the amendment, there being no objection.

Mr. BACON. It is already in? That is all I want to ask about.

Mr. LODGE. The amendment of the Senator from Ohio was agreed to. The motion of the Senator from Maryland is to strike out the whole section as amended. I hope it will fail.

Mr. PLATT of Connecticut. I wish to make an inquiry. The amendment relating to Porto Rico has been accepted. When the bill comes into the Senate, that amendment may be reserved and voted upon separately in the Senate?

The PRESIDENT pro tempore. It may be. The question is on agreeing to the amendment offered by the Senator from Maryland.

Mr. GORMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CULLOM. There is so much confusion that I have been unable to learn what the pending amendment is.

The PRESIDENT pro tempore. The amendment will again be stated.

The SECRETARY. Strike out all after the enacting clause to the end of section 1.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DANIEL (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH]. If he were present, I should vote "yea."

Mr. FOSTER of Washington (when his name was called). I have a general pair with the Senator from Mississippi [Mr. McLAURIN]. The Senator from New York [Mr. DEFEW] has a pair with the Senator from Louisiana [Mr. McENERY]. I transfer my pair to the Senator from New York, which will enable the Senator from Louisiana and me to vote. I vote "nay."

Mr. PLATT of Connecticut (when Mr. HAWLEY's name was called). My colleague is paired with the Senator from Alabama [Mr. MORGAN]. If my colleague were present, he would vote "nay."

Mr. HOPKINS (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. LATIMER]. As he is not present, I refrain from voting.

Mr. KEARNS (when his name was called). I have a general pair with the Senator from Montana [Mr. GIBSON]. As he is not present, I withhold my vote.

Mr. KITTREDGE (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. PATTERSON]. I transfer the pair to the senior Senator from Pennsylvania [Mr. PENROSE], and will vote. I vote "nay."

The roll call was concluded.

Mr. DIETRICH. I wish to announce that my colleague [Mr. MILLARD] is paired with the Senator from Arkansas [Mr. CLARKE] upon all questions.

Mr. MONEY. I desire to announce that my colleague [Mr. McLAURIN] is paired generally with the Senator from Washington [Mr. FOSTER], but in this case there has been a transfer, so that he stands paired with the Senator from New York [Mr. DEFEW].

Mr. GORMAN. I wish to announce the pair of the senior Senator from Colorado [Mr. TELLER] with the Senator from Maine [Mr. HALE].

The result was announced—yeas 23, nays 48; as follows:

YEAS—23.

Bacon	Clay	McCreary	Pettus
Bailey	Cockrell	McEnery	Simmons
Bate	Culberson	Mallory	Stone
Berry	Dubois	Martin	Taliaferro
Blackburn	Foster, La.	Money	Tillman
Carmack	Gorman	Overman	

NAYS—48.

Aldrich	Crane	Fulton	Nelson
Alger	Cullom	Gallinger	Newlands
Allee	Dick	Gamble	Platt, Conn.
Allison	Dietrich	Heyburn	Platt, N. Y.
Ankeny	Dillingham	Kean	Proctor
Bail	Dolliver	Kittredge	Quarles
Bard	Dryden	Knox	Scott
Beveridge	Elkins	Lodge	Smoot
Burnham	Fairbanks	Long	Spooner
Burrows	Foraker	McComas	Stewart
Clapp	Foster, Wash.	McCumber	Warren
Clark, Wyo.	Frye	Mitchell	Wetmore

NOT VOTING—19.

Burton	Gibson	Kearns	Patterson
Clark, Mont.	Hale	Latimer	Penrose
Clarke, Ark.	Hansbrough	McLaurin	Perkins
Daniel	Hawley	Millard	Teller
Depew	Hopkins	Morgan	

So Mr. GORMAN's amendment was rejected.

Mr. McCUMBER. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The Senator from North Dakota offers an amendment, which will be stated.

The SECRETARY. It is proposed to strike out all of section 4 of the bill.

Mr. McCUMBER. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. SPOONER. I wish to move a substitute for the pending motion to strike out section 4 and substitute another section for it.

Mr. McCUMBER. It seems to me we have a right to vote on this first, and then if the Senator desires to introduce a new section 4 I see no objection to his doing so.

Mr. SPOONER. It is a parliamentary question of order. I do not know myself—

The PRESIDENT pro tempore. The Chair did not understand the Senator.

Mr. SPOONER. I wish to move to strike out section 4 and insert.

The PRESIDENT pro tempore. That has precedence of the motion to strike out.

Mr. SPOONER. I move—

Mr. LODGE. If I may, I suggest to the Senator from Wisconsin that the printed copies of the amendment which he has offered is on the way from the Printing Office and will be here in two or three minutes, and if we can pass this over and deal with some other amendment Senators will shortly have the printed amendment before them.

Mr. SPOONER. You will not only have to pass it over, but the amendment of the Senator from North Dakota as well.

Mr. LODGE. I hope the Senator from North Dakota will not press his amendment. It is very desirable that Senators should have a copy of the amendment of the Senator from Wisconsin before them when they vote. If the amendment is pressed, the Senator from Wisconsin must go on and offer his substitute now.

Mr. BAILEY. If the printed copies of the amendment are on the way from the Printing Office, probably there are some other amendments pending to this section, which would take precedence of the motion of the Senator from North Dakota, that could be considered.

Mr. SPOONER. I wish to move to strike out section 2.

Mr. BAILEY. There are some motions—

The PRESIDENT pro tempore. Does the Senator from North Dakota withdraw his motion?

Mr. McCUMBER. For what purpose?

The PRESIDENT pro tempore. For the purpose of awaiting the printed copies of the proposed amendment to be offered to it before the motion is made to strike out the section.

Mr. McCUMBER. It seems to me that that can be substituted afterwards, if the Senator from Wisconsin desires. This simply strikes out the section as it now appears. I should prefer to have a vote on it now.

Mr. SPOONER. I can not move to amend a section that has been stricken out.

Mr. McCUMBER. If that is true, I withhold my amendment.

Mr. BACON. I want to suggest, under the statement made by the Senator from Texas, that there are questions which take precedence of the motion of the Senator from Wisconsin that would consume the necessary time. In other words, as I understand, there are amendments to the existing section as it stands. The section as it stands will have to be perfected by action upon those amendments before the Senate can be called upon to pass on the question whether it will substitute the proposition of the Senator from Wisconsin therefor.

Mr. SPOONER. I do not controvert that proposition, but I was confronted by another, which I was obliged to antagonize by my motion.

Mr. BACON. I understand that, but if we can proceed to act upon the other amendments to the section, it will defer the other question.

Mr. BAILEY. Of course the motion to amend the section must take precedence of a motion to strike it out. Assuming, as might happen to be the case, though it is not the fact in this particular instance, that the proponent of the motion to amend would support the entire section if amended, the friends of that section would be entitled to that vote. It happens in this case that if the amendment which I have offered should be adopted I would still vote against the section, because I am opposed to the principle of the Government guaranteeing the

bonds of a private corporation. But at the same time I am entitled to have my motion voted on, because the motion I have made seeks to make this section better than it stands in the bill.

I think the motion of the Senator from Wisconsin to amend, which nearly covered the points of my motion, and undoubtedly is a great improvement, as it appears to me, on the section as it stands, ought to be voted on before the motion to strike out, and I express that opinion notwithstanding I am going to vote with the Senator from North Dakota on the motion to strike out.

Mr. CULLOM. There are several amendments printed in the section.

The PRESIDENT pro tempore. They have been adopted.

Mr. BERRY. I think they have been adopted. In order to occupy the time until the printed amendment of the Senator from Wisconsin reaches the Senate, I will ask for a vote on the amendment which I proposed this morning, which adds certain words after the word "years."

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. There is not any parliamentary question about it. As a matter of course, it is in order to offer amendments to section 4, which is proposed to be stricken out.

Mr. MALLORY. Mr. President—

The PRESIDENT pro tempore. This comes very near a debate, which is not in order.

Mr. ALDRICH. I ask for the regular order, Mr. President.

Mr. FORAKER. The regular order.

Mr. McCUMBER. I ask that the amendment which I had read just now be held until the amendment proposed by the Senator from Wisconsin may be read.

Mr. FORAKER. And all amendments to the section.

Mr. McCUMBER. And any other amendments to that section. The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent to withdraw his amendment for the present. Is there objection? The Chair hears none. The Senator has a right to withdraw it.

Mr. ALLISON. The Senator also suggested that all amendments to the fourth section should be withdrawn for the present.

Mr. CULLOM. No.

Mr. ALLISON. Then I will ask unanimous consent that that may be done.

Mr. GORMAN. What amendments?

Mr. ALLISON. The amendments to the fourth section. If the amendment of the Senator from Wisconsin shall be adopted, undoubtedly the amendments suggested to the fourth section will also be offered as amendments to his substitute for the fourth section, and it seems to me we might postpone action on them.

Mr. BAILEY. That is the reason I wished to see the printed amendment. I wished to see it so that I could know where to offer my amendment to it if it should be adopted. I am perfectly willing to wait.

The PRESIDENT pro tempore. Is there objection to the withdrawal of these amendments for the present?

Mr. PLATT of Connecticut, and others. No.

The PRESIDENT pro tempore. The Chair hears none.

Mr. CULBERSON. A mere verbal amendment suggested yesterday by myself to section 4, page 4, line 3, after the word "may," to insert "hereafter," was accepted by the Senator from Massachusetts.

Mr. LODGE. That is included in the amendment about to be offered by the Senator from Wisconsin, which it is my intention to accept, so far as I can, for the committee.

Mr. CULBERSON. I suppose there will be no objection to the adoption of this amendment to the amendment.

Mr. LODGE. No; I have no objection to it, of course.

The PRESIDENT pro tempore. Will the Senate agree to the amendment on page 4, line 3, after the word "may" and before the word "specifically" to insert "hereafter?"

The amendment was agreed to.

Mr. DUBOIS. I offer the amendment which I previously sent to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 6, on page 5, line 17, after the word "be," insert the word "rigidly;" so as to read; "shall be rigidly administered;" and in line 19, after the word "government," insert the words "so far as such immigration laws relate to the importation of cooly labor."

Mr. DUBOIS. I ask that the section as proposed to be amended be read.

The Secretary read as follows:

Sec. 6. The immigration laws of the United States in force in the Philippine Islands shall be rigidly administered by the officers of the general government thereof designated by appropriate legislation of said government, so far as such immigration laws relate to the impor-

tation of Chinese coolie labor, and all moneys collected under said laws as duty or head tax on alien immigrants coming into said islands shall not be covered into the general fund of the Treasury of the United States, but shall be paid into the treasury of said islands, to be used and expended for the government and benefit of said islands.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. DUBOIS].

The amendment was rejected.

Mr. SPOONER. I move to strike out all of section 3, after the figure "66," in line 8, and to insert in lieu thereof the amendment which I send to the desk.

The SECRETARY. On page 3, line 8, after the numeral "66," strike out the remainder of the paragraph and insert:

That for the purpose of providing funds to construct necessary sewer and drainage facilities, to secure a sufficient supply of water and necessary buildings for primary public schools in municipalities, the government of the Philippine Islands may, where current taxation is inadequate for the purpose, under such limitations, terms, and conditions as it may prescribe, authorize, by appropriate legislation, any municipality of said islands to incur indebtedness, borrow money, and to issue and sell (at not less than par value in gold coin of the United States) registered or coupon bonds in such amount and payable at such time as may be determined to be necessary by the government of said islands, with interest thereon not to exceed 5 per cent per annum: *Provided*, That the entire indebtedness of any municipality shall not exceed 5 per cent of the authorized valuation of the real estate in said municipality, and any obligation in excess of such limit shall be null and void: *Provided further*, That no such municipality shall exercise the power to issue such bonds without the prior approval of the President.

Mr. LODGE. I accept that amendment. I think it improves the section.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. SPOONER].

The amendment was agreed to.

Mr. SPOONER. I now move to strike out section 4 and to insert in lieu thereof what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Strike out section 4 and insert—

Mr. GORMAN. Before the substitute is adopted I suppose it will require common consent that any amendment may be offered to it afterwards. Ordinarily it would not be in order in committee nor until the bill was reported to the Senate. I take it there will be no objection that if the substitute is adopted we shall have the right in the committee to offer amendments to it.

Mr. ALDRICH. That is all right.

Mr. BERRY. Unless it is stricken out entirely.

Mr. FORAKER. It will be open to amendment in the Senate.

Mr. BACON. In this connection I should like to have the matter understood as to whether we could also have a right when we get into the Senate to move to strike it out altogether.

Mr. LODGE. We have it here.

Mr. SPOONER. I suppose my motion is divisible.

Mr. BACON. It is my opinion that we have it, but I wanted that understood beforehand.

Mr. SPOONER. That question has not been raised.

Mr. LODGE. The Senator can move to strike it out after it has been inserted.

The PRESIDENT pro tempore. Not in Committee of the Whole, but it can be done in the Senate.

Mr. LODGE. He can do it in the Senate.

The PRESIDENT pro tempore. The whole bill is open to amendment in the Senate.

Mr. BERRY. I ask if the amendment is not divisible, and if we can not first take the vote on the motion to strike out entirely and then vote upon the question of substitution?

The PRESIDENT pro tempore. It is not divisible.

Mr. BERRY. It is not divisible?

The PRESIDENT pro tempore. No.

Mr. BERRY. The motion to strike out and insert is not divisible, the Chair holds?

The PRESIDENT pro tempore. It is not, except in the matter of amending the portion to be stricken out or the portion to be inserted.

Mr. BERRY. And it is not in a situation where it can be divided now?

The PRESIDENT pro tempore. It is not.

Mr. BERRY. Then is it agreed that a motion to strike out may be made after the amendment is voted upon?

The PRESIDENT pro tempore. After it has gone into the Senate.

Mr. BERRY. Not in Committee of the Whole?

Mr. BLACKBURN. No.

The PRESIDENT pro tempore. Not in Committee of the Whole; that is, if agreed to as in Committee of the Whole it can receive no further action in committee until it reaches the Senate.

Mr. GORMAN. That is the point I suggested, whether we can not have an understanding that when the vote is taken on the substitute while we are in committee, and it becomes a part of the bill, we may offer amendments to it now, when it is fresh before us. I think there will be no objection to that course. There ought not to be any objection to it.

The PRESIDENT pro tempore. The Senate understands undoubtedly, without my saying so, that the part to be stricken out is now open to amendment and that the part proposed to be inserted is also open to amendment.

Mr. GORMAN. I understand that.

The PRESIDENT pro tempore. So far as amendments are concerned, they are separate questions; but they must be voted upon ultimately as one question.

Mr. GORMAN. I think there is a general desire to have a direct vote on the amendment offered by the Senator from Wisconsin, it being very much preferable to the present fourth section, but there are one or two Senators who would, I think, like to amend the substitute.

Mr. SPOONER. I hope no objection will be made to the Senator's suggestion. We want to get on with the business in a fair way. We all want to do what is right.

Mr. GORMAN. It will only facilitate business.

Mr. LODGE. The amendment of the Senator from Wisconsin is open to amendment now.

Mr. GORMAN. I understand that perfectly.

Mr. LODGE. If there are amendments to be offered to the amendment of the Senator from Wisconsin, now is the time to offer them.

Mr. GORMAN. Very well, if that is the desire.

Mr. CULBERSON. I call the attention of the Senator from Wisconsin to what appears to be an obvious error on page 4. Instead of being \$1,500,000 it ought to be \$1,200,000, the interest at 4 per cent.

Mr. SPOONER. That is taken from the original section.

Mr. CULBERSON. I say it is an obvious error. That is the amount at 5 per cent.

Mr. SPOONER. The Senator is right about that.

Mr. CULBERSON. I move to amend the amendment.

Mr. GORMAN. Let the amendment be read.

Mr. CULBERSON. I beg pardon, the amendment has not been read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wisconsin [Mr. SPOONER] will be read.

The SECRETARY. Strike out all of section 4 of the bill and insert in lieu thereof the following:

That for the purpose of aiding in the construction, equipment, operation, and maintenance of such railroads, using steam, electricity, or other power, in the Philippine Islands as the Philippine government may hereafter specifically authorize, the said government is empowered to enter into a contract of guaranty with any railroad company organized pursuant to the laws of said government or of the United States or any State thereof undertaking to construct, equip, operate, and maintain any such railroad, whereby the said government shall guarantee interest, at not exceeding 4 per cent per annum upon first-lien bonds to be issued by such company, properly secured by mortgage or deed of trust upon the said railroad, its equipment, franchises, and other property, real, personal, and mixed, then owned and thereafter to be acquired.

Such contract of guaranty shall be signed on behalf of said government by the chief executive thereof, and on behalf of the railroad company undertaking the construction, equipment, maintenance, and operation of said railroad by the chief officer thereof, thereunto duly authorized by the stockholders and directors of the same, and shall contain, among others, the following provisions:

First. That the total amount of bonds the interest upon which is to be guaranteed shall in no event exceed the amount actually invested in cash in the construction and equipment of such railroad, to be determined as hereinafter provided.

Second. That no debt except as above provided shall be incurred by the said undertaking railroad company, its successors or assigns, by which a lien shall be created upon such railroad, its equipment, or other property, prior to the lien of said government to secure the repayment of the interest paid by it under said guaranty without the consent of the Congress.

Third. That the said railroad shall be constructed and equipped within the time limited in the first instance by the Philippine government, or any extension of said time granted by said government for good cause shown.

The contract of guaranty shall be in substance indorsed upon said bonds and signed by the treasurer of said islands, and the same shall not be signed and delivered except upon satisfactory proof of the completion of the railroad in sections of not less than 20 continuous miles each, and in such proportion, to be fixed from time to time by said government, as the actual capital invested in completed road and acquired equipment shall bear to the capital required for the completion and equipment of the entire road, to be determined by the said government.

All payments made under any such guaranty shall be from the time the same are paid a lien upon said railroad and its property then owned and thereafter to be acquired, subject only to the lien of the mortgage or deed of trust executed to secure the bonds, the interest upon which shall have been so guaranteed, and the total sum paid under such guaranty shall, at the expiration thereof, be payable to said Philippine government upon demand, and in default of such payment the said lien shall be immediately forecloseable.

Provided, That in no event shall the total annual contingent liability of said government under the guaranties authorized by this section at

any time exceed the sum of \$1,200,000, and no such guaranty shall continue for a longer period than thirty years.

For the further security of the Philippine government the Commission or any subsequent Philippine legislature shall declare the proper rules for ascertaining clearly the cash capital actually invested in said railroads and the net income actually received on said capital so invested, and shall provide for supervision by said Philippine government, through the auditing, engineering and railroad bureaus thereof and by such other agencies as may be fixed by law, of the conduct of the finances of the road, and of its location, construction, operation, and maintenance.

The government shall have the power to appoint two members of the board of directors of any undertaking company whose bonds shall be guaranteed as provided in this section.

Each such railroad company shall make such reports from time to time as to its receipts and expenditures, in such form and substance and sworn to by such officials, as may be prescribed by the Philippine government.

Section 74 of an act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," is hereby made applicable to the corporations whose bonds shall be guaranteed under the provisions hereof.

Mr. CULBERSON. I do not think the amendment I suggested to the Senator has been yet adopted.

Mr. SPOONER. It was read as adopted from the desk. Of course that was a mistake.

Mr. CULBERSON. Now I offer an amendment to the amendment. On page 2, line 5, strike out the word "four" and insert "three;" and on page 4, lines 3 and 4, strike out the words "one million two" and insert the word "nine;" so as to make it correspond with 3 per cent.

Mr. SPOONER. That is to reduce the interest from 4 to 3 per cent?

Mr. CULBERSON. From 4 to 3 per cent, and to reduce the amount from \$1,200,000 to \$900,000. Upon this amendment to the amendment I ask for the yeas and nays.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 2, line 5, after the word "exceeding" and before "per centum," strike out "four" and insert "three;" so as to read: "Not exceeding 3 per centum per annum." On page 4 of the amendment, strike out the words "one million two" and insert the word "nine;" so as to read: "At any time exceed the sum of \$900,000."

The PRESIDENT pro tempore. The Senator from Texas, on this amendment to the amendment, demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DANIEL (when his name was called). I have a general pair with the Senator from North Dakota [Mr. HANSBROUGH]. If he were present, I should vote "yea."

Mr. FOSTER of Washington (when his name was called). I have a general pair with the Senator from Mississippi [Mr. McLAURIN], and the Senator from Louisiana [Mr. McENERY] has a general pair with the Senator from New York [Mr. DEPEW]. The pairs have been transferred, so that I am at liberty to vote. I vote "nay."

Mr. HOPKINS (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. LATIMER]. As he is not present, I withhold my vote.

Mr. PETTUS (when Mr. MORGAN's name was called). The senior Senator from Alabama [Mr. MORGAN] is unwell. He is paired with the senior Senator from Connecticut [Mr. HAWLEY]. The roll call was concluded.

Mr. MONEY. I wish to announce that if my colleague [Mr. McLAURIN] were present, he would "yea." His pair has been announced by the Senator from Washington [Mr. FOSTER].

The result was announced—yeas 35, nays 37, as follows:

YEAS—35.

Bacon	Clay	McCreary	Overman
Bailey	Cockrell	McCumber	Perkins
Bard	Culbertson	McENERY	Pettus
Bate	Dubois	Mallory	Scott
Berry	Foster, La.	Martin	Simmons
Blackburn	Gamble	Mitchell	Stone
Carmack	Gorman	Money	Taliaferro
Clapp	Heyburn	Nelson	Tillman
Clark, Wyo.	Kittredge	Newlands	

NAYS—37.

Aldrich	Cullom	Frye	Proctor
Alger	Dick	Fulton	Quarles
Allee	Dietrich	Gallinger	Smoot
Allison	Dillingham	Kean	Spooner
Ankeny	Dolliver	Knox	Stewart
Ball	Dryden	Lodge	Warren
Beveridge	Elkins	Long	Wetmore
Burnham	Fairbanks	McComas	
Burrows	Foraker	Platt, Conn.	
Crane	Foster, Wash.	Platt, N. Y.	

NOT VOTING—18.

Burton	Gibson	Kearns	Patterson
Clark, Mont.	Hale	Latimer	Penrose
Clarke, Ark.	Hansbrough	McLaurin	Teller
Daniel	Hawley	Millard	
Depew	Hopkins	Morgan	

So the amendment to the amendment was rejected.

Mr. SPOONER. The Senator from Virginia [Mr. MARTIN] has suggested to me an amendment which will improve the text of my amendment. In accordance with his suggestion, I move, on page 4, line 18, of my amendment, before the first word "whose," to insert "the interest on."

The amendment to the amendment was agreed to.

Mr. BURROWS. I wish to call the attention of the Senator from Wisconsin to page 3, line 8, of the amendment, and to inquire if he desires it to read:

The contract of guaranty shall be in substance indorsed upon said bonds and signed by the treasurer of said islands.

Instead of "islands," the word "government," I think, should be inserted, so as to read:

Signed by the treasurer of said government.

Mr. SPOONER. That was suggested by Governor Taft. I think the word "government" is better. I move to strike out "islands" and insert "government."

The PRESIDENT pro tempore. The amendment to the amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. On page 3, line 8, after the word "said," it is proposed to strike out the word "islands" and insert "government."

The amendment to the amendment was agreed to.

Mr. NEWLANDS. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. Is it an amendment to the pending amendment?

Mr. NEWLANDS. It is.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add at the end of the amendment the following:

Provided further, That after the construction of any railroad under this section, such railroad shall pay to the general government of the Philippine Islands an annual tax of 1 per cent upon the gross receipts of such railroads for freights and fares for the period of five years, and thereafter such tax shall be increased at the rate of one-quarter of 1 per cent per annum until it reaches a total of 5 per cent per annum. That such tax shall be in lieu of all taxes, general, provincial, or municipal, and shall be in lieu of all taxes upon either the railroad itself and the property connected therewith, or on the stock and bonds issued by the corporation owning such road.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Nevada [Mr. NEWLANDS] to the amendment.

The amendment to the amendment was rejected.

Mr. BAILEY. I desire to offer an amendment, and it may just as well come at the conclusion of the pending amendment after the word "hereof," at the end of page 5.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add to the pending amendment the following:

That before any guaranty of interest as herein authorized shall be made the railroad company desiring to avail itself of such guaranty shall include in its charter or articles of incorporation an express agreement that the general government of the Philippine Islands shall always possess and exercise the right of regulating charges for freight and passenger service; and no railroad company, the interest for which is guaranteed under the provisions of this act, shall issue or sell any stock or bonds, except at their par value, to be paid for in cash or in property at its actual value; and before such stocks or bonds can be issued or sold they shall be authorized and approved by the Philippine Commission, whose duty it shall be to closely supervise the issuance of such stock and bonds and to strictly enforce this act in respect to the same.

The PRESIDENT pro tempore. The question is on the amendment to the amendment. [Putting the question.] By the sound, the "noes" have it.

Mr. BAILEY. I should like to have a yea-and-nay vote on that amendment to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FOSTER of Washington (when his name was called). I have a general pair with the Senator from Mississippi [Mr. McLAURIN], and the Senator from Louisiana [Mr. McENERY] has a general pair with the Senator from New York [Mr. DEPEW]. Those pairs have been transferred, so that the Senator from Louisiana and I are at liberty to vote. I vote "nay." I make this announcement to apply to all votes for the day.

The roll call was concluded.

Mr. PLATT of Connecticut. I wish at this time to state, so that I may not be under the necessity of repeating it, that upon all amendments and upon the bill itself my colleague [Mr. HAWLEY] is paired with the Senator from Alabama [Mr. MORGAN].

Mr. BEVERIDGE. I perhaps should have stated, for the information of the Senate, in view of the fact that I have been

voting upon this and other amendments, that I have a general pair with the senior Senator from Montana [Mr. CLARK], but I have been notified by that Senator that he places no restrictions upon me on account of that pair upon this bill. I therefore am at liberty to vote.

Mr. GORMAN. The statement of the Senator from Indiana is, of course, exactly accurate, and he has a right to vote. The Senator from Virginia [Mr. DANIEL] is paired with the Senator from North Dakota [Mr. HANSBROUGH].

Mr. LODGE. The Senator from Montana [Mr. CLARK] stands paired on all these votes. I have the list of pairs here.

Mr. BEVERIDGE. I merely made the statement because I have a standing pair with the Senator from Montana [Mr. CLARK], but I was relinquished from that pair and therefore have been voting.

The result was announced—yeas 33, nays 39, as follows:

YEAS—33.

Bacon	Cockrell	McCreary	Perkins
Bailey	Culberson	McCumber	Pettus
Bard	Dubois	McEnery	Simmons
Bate	Foster, La.	Mallory	Stone
Berry	Gamble	Martin	Tallaferro
Blackburn	Gorman	Money	Tillman
Carmack	Heyburn	Nelson	
Clapp	Kittredge	Newlands	
Clay	Knox	Overman	

NAYS—39.

Aldrich	Crane	Foster, Wash.	Platt, N. Y.
Alger	Cullom	Frye	Proctor
Allee	Dick	Fulton	Quarles
Allison	Dietrich	Gallinger	Scott
Ankeny	Dillingham	Kean	Smoot
Ball	Dolliver	Lodge	Spooner
Beveridge	Dryden	Long	Stewart
Burnham	Elkins	McComas	Warren
Burrows	Fairbanks	Mitchell	Wetmore
Clark, Wyo.	Foraker	Platt, Conn.	

NOT VOTING—18.

Burton	Gibson	Kearns	Patterson
Clark, Mont.	Hale	Latimer	Penrose
Clarke, Ark.	Hansbrough	McLaurin	Teller
Daniel	Hawley	Millard	
Depeuw	Hopkins	Morgan	

So the amendment of Mr. BAILEY to the amendment of Mr. SPOONER as amended was rejected.

Mr. CULBERSON. Mr. President, I offer an amendment to the amendment, on page 2, line 19, after the word "amount," by inserting "of \$35,000 per mile of railroad." I ask the Secretary to read the paragraph as it will stand if the proposed amendment be adopted.

The SECRETARY. On page 2 of the amendment, in line 19, after the word "amount," it is proposed to insert "of \$35,000 per mile of railroad;" so that if amended the paragraph will read:

First. That the total amount of bonds the interest upon which is to be guaranteed shall in no event exceed the amount of \$35,000 per mile of railroad actually invested in cash in the construction and equipment of such railroad, to be determined as hereinafter provided.

The amendment to the amendment was rejected.

Mr. CLAY. On page 4 of the amendment offered by the Senator from Wisconsin [Mr. SPOONER], in line 5, the paragraph which guarantees the payment of interest for the period of thirty years, I move to strike out the word "thirty" and insert "twenty."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 4, line 5, of the amendment, before the word "years," it is proposed to strike out "thirty" and insert "twenty."

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment offered by the Senator from Wisconsin as amended. Mr. NELSON. I ask for the yeas and nays on the adoption of the amendment as amended.

The yeas and nays were ordered.

Mr. LODGE. Is this the amendment of the Senator from Wisconsin as amended?

The PRESIDENT pro tempore. It is.

Mr. LODGE. I will say that the committee favor it.

Mr. BACON. I understand that if the amendment is adopted as in Committee of the Whole we can move to strike it out when the bill comes into the Senate. That, I understand, would still be in order.

The PRESIDENT pro tempore. In the Senate?

Mr. BACON. Yes; in the Senate.

The PRESIDENT pro tempore. That will be in order in the Senate.

The Secretary proceeded to call the roll.

Mr. HOPKINS (when his name was called). I have a gen-

eral pair with the junior Senator from South Carolina [Mr. LATIMER]. As he is not present, I withhold my vote.

The roll call was concluded.

Mr. DANIEL. I have a general pair with the Senator from North Dakota [Mr. HANSBROUGH], but I feel free to vote on this amendment. I vote "yea."

The result was announced—yeas 62, nays 8, as follows:

YEAS—62.

Aldrich	Clay	Fulton	Pettus
Alger	Cockrell	Gallinger	Platt, Conn.
Allee	Crane	Gorman	Platt, N. Y.
Allison	Culberson	Heyburn	Proctor
Ankeny	Cullom	Kean	Quarles
Bacon	Daniel	Knox	Scott
Bailey	Dick	Lodge	Simmons
Ball	Dietrich	Long	Smoot
Bate	Dillingham	McComas	Spooner
Berry	Dolliver	McCreary	Stewart
Beveridge	Dryden	Mallory	Stone
Blackburn	Elkins	Martin	Tillman
Burnham	Fairbanks	Mitchell	Warren
Burrows	Foraker	Money	Wetmore
Carmack	Foster, Wash.	Newlands	
Clark, Wyo.	Frye	Overman	

NAYS—8.

Bard	Gamble	McCumber	Nelson
Clapp	Kittredge	McEnery	Perkins

NOT VOTING—20.

Burton	Foster, La.	Hopkins	Morgan
Clark, Mont.	Gibson	Kearns	Patterson
Clarke, Ark.	Hale	Latimer	Penrose
Depeuw	Hansbrough	McLaurin	Tallaferro
Dubois	Hawley	Millard	Teller

So the amendment of Mr. SPOONER, as amended, was agreed to.

Mr. STONE. I offer the amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 1, page 2, at the end of line 8, after the words "Porto Rico," it is proposed to insert the following:

Provided, That nothing in this act shall be so construed as to make or hold the Government of the United States in any manner liable to pay any bonds that may be issued by the government of the Philippine Islands, or any municipal or other subdivision thereof, under the provisions of this act.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Missouri [Mr. STONE].

Mr. BERRY and Mr. STONE. Let us have the yeas and nays.

The yeas and nays were ordered; and having been taken, resulted—yeas 28, nays 41, as follows:

YEAS—28.

Bacon	Clay	Kittredge	Nelson
Bailey	Cockrell	McCreary	Overman
Bate	Culberson	McEnery	Pettus
Berry	Dubois	Mallory	Simmons
Blackburn	Foster, La.	Martin	Stone
Carmack	Gamble	Mitchell	Tallaferro
Clapp	Gorman	Money	Tillman

NAYS—41.

Aldrich	Crane	Fulton	Proctor
Alger	Cullom	Gallinger	Quarles
Allee	Dick	Heyburn	Scott
Allison	Dietrich	Kean	Smoot
Ankeny	Dillingham	Knox	Spooner
Ball	Dolliver	Lodge	Stewart
Bard	Dryden	Long	Warren
Beveridge	Fairbanks	McComas	Wetmore
Burnham	Foraker	McCumber	
Burrows	Foster, Wash.	Platt, Conn.	
Clark, Wyo.	Frye	Platt, N. Y.	

NOT VOTING—21.

Burton	Gibson	Latimer	Penrose
Clark, Mont.	Hale	McLaurin	Perkins
Clarke, Ark.	Hansbrough	Millard	Teller
Daniel	Hawley	Morgan	
Depeuw	Hopkins	Newlands	
Elkins	Kearns	Patterson	

So Mr. STONE's amendment was rejected.

Mr. MCCOMAS. I now offer an amendment to strike out section 5 and insert in lieu thereof what I send to the desk. The chairman of the committee has already agreed to accept it.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out section 5 and in lieu thereof to insert the following:

Sec. 5. That the Philippine Commission, and any succeeding legislature of the Philippine Islands, subject to subsequent repeal or modification by Congress, shall have power, from time to time, to amend the act entitled "An act to revise and amend the tariff laws of the Philippine Archipelago:" *Provided, however, That any amendment or modification of the existing tariff made hereunder shall not take effect until it shall be transmitted by the Commission, or any subsequent Philippine legislature, to the Secretary of War, who shall, after due advertisement, grant hearings to any person interested in respect to the proposed amendment or modification, and until it shall have been thereafter approved by the Secretary of War by authority of the President.*

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Maryland [Mr. McCOMAS]. [Putting the question.] By the sound the "noes" have it. The amendment is rejected.

Mr. McCOMAS. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. CULBERSON. I rise to a parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. CULBERSON. Is a motion to strike out the amendment of the Senator from Wisconsin [Mr. SPOONER] now in order?

The PRESIDENT pro tempore. It is not. But, if the Senator will allow the Chair to state, there is no necessity for now making that motion. When the bill comes into the Senate, a separate vote can be demanded on the amendment.

Mr. BACON. Not only was that matter stated once, but twice, when we were in the Committee of the Whole.

The PRESIDENT pro tempore. The motion can be made. The Chair is simply saying there is no necessity for it, as a separate vote can be had.

Mr. BACON. It is in order to move to strike it out?

The PRESIDENT pro tempore. It will be in the Senate, not now.

Mr. BACON. Is not the bill in the Senate?

The PRESIDENT pro tempore. The bill is not.

Mr. BACON. I beg your pardon. I thought the Chair declared that the bill was in the Senate.

The PRESIDENT pro tempore. No; the bill is in the committee.

Mr. DIETRICH. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The Senator from Nebraska offers an amendment, which will be stated.

The SECRETARY. On page 5, section 5, line 14, after the word "Island," insert:

That all officers of the United States Army, Navy, Marine Corps, and constabulary officers of the Philippine government shall have privilege of free entry of all articles, including used household goods, uniforms, and articles for equipment and service, forming a part of the official equipment of the United States Army, Navy, Marine Corps, and constabulary officers of the Philippine government, imported for their own use and benefit, and not for barter or sale, upon the personal certificate of such an officer that they fulfill the above conditions.

The amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Is there a wish to reserve a separate vote on any of the amendments?

Mr. GORMAN. I desire to reserve section 4.

Mr. BERRY. There is a motion to strike it out.

Mr. CULBERSON. I intimated a while ago my desire, when the bill was in the Senate, to make a motion to strike out section 4 as amended on motion of the Senator from Wisconsin.

The PRESIDENT pro tempore. Is there a wish for a separate vote on any other amendment? The Chair hears none, and the other amendments will be considered as concurred in in the Senate. The Senator from Texas moves to strike out section 4 as amended.

Mr. McCUMBER. Does that motion cover what was contemplated by my amendment?

Mr. CULBERSON. Precisely.

The PRESIDENT pro tempore. It does. It covers the whole.

Mr. CULBERSON. Upon that motion I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DANIEL (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH]. I beg leave to ask that this statement be taken to apply to all votes on the pending bill.

The roll call having been concluded, the result was announced—yeas 32, nays 39, as follows:

YEAS—32.

Bacon	Clay	McCreary	Overman
Bailey	Cockrell	McCumber	Perkins
Bard	Culbertson	McEnery	Pettus
Bate	Dubois	Mallory	Quarles
Berry	Foster, La.	Martin	Simmons
Blackburn	Gamble	Money	Stone
Carmack	Gorman	Nelson	Tallaferro
Clapp	Kittredge	Newlands	Tillman
Aldrich	Crane	Foster, Wash.	Mitchell
Alger	Cullom	Frye	Platt, Conn.
Allee	Dick	Fulton	Proctor
Allison	Dietrich	Gallinger	Scott
Ankeny	Dillingham	Heyburn	Smoot
Ball	Dolliver	Kean	Spooner
Beveridge	Dryden	Knox	Stewart
Burnham	Elkins	Lodge	Warren
Burrows	Fairbanks	Long	Wetmore
Clark, Wyo.	Foraker	McComas	

NAYS—39.

NOT VOTING—19.

Burton	Gibson	Kearns	Patterson
Clark, Mont.	Hale	Latimer	Penrose
Clarke, Ark.	Hansbrough	McLaurin	Platt, N. Y.
Daniel	Hawley	Millard	Teller
Depew	Hopkins	Morgan	

So Mr. CULBERSON's motion was not agreed to.

Mr. NEWLANDS. I desire to ask whether it be in order to move to strike out section 4 and substitute therefor the section which I offered, providing for the construction and ownership of these railroads by the Philippine government.

The PRESIDENT pro tempore. No; it would not be in order, because the amendment has been adopted in the Senate, and a motion to strike out the entire paragraph has already been defeated by a vote of the Senate.

Mr. CULBERSON. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The Senator from Texas offers an amendment, which will be stated.

The SECRETARY. It is proposed to amend by inserting as a new section the following:

SEC. 12. One-half of the entire unappropriated public domain in the Philippine Islands is hereby set apart as a permanent school fund for the inhabitants of said islands, and no part of said land shall at any time be granted, sold, or in any other manner disposed of, unless at the same time an equal quantity shall be set apart and segregated in the manner to be prescribed by general law by the Philippine government as a permanent school fund for the inhabitants of said islands.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Texas.

Mr. CULBERSON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PETTUS (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. CRANE]. If he were present, I should vote "yea."

The roll call having been concluded, the result was announced—yeas 24, nays 44, as follows:

YEAS—24.

Bacon	Clay	Gallinger	Money
Bailey	Cockrell	Gorman	Overman
Bate	Culbertson	McCreary	Simmons
Berry	Dolliver	McEnery	Stone
Blackburn	Dubois	Mallory	Tallaferro
Carmack	Foster, La.	Martin	Tillman

NAYS—44.

Aldrich	Clark, Wyo.	Fulton	Nelson
Alger	Cullom	Gamble	Perkins
Allee	Dick	Heyburn	Platt, Conn.
Allison	Dietrich	Kean	Proctor
Ankeny	Dillingham	Kittredge	Quarles
Ball	Dryden	Knox	Scott
Bard	Elkins	Lodge	Smoot
Beveridge	Fairbanks	Long	Spooner
Burnham	Foraker	McComas	Stewart
Burrows	Foster, Wash.	McCumber	Warren
Clapp	Frye	Mitchell	Wetmore

NOT VOTING—22.

Burton	Gibson	Latimer	Penrose
Clark, Mont.	Hale	McLaurin	Pettus
Clarke, Ark.	Hansbrough	Millard	Platt, N. Y.
Crane	Hawley	Morgan	Teller
Daniel	Hopkins	Newlands	
Depew	Kearns	Patterson	

So Mr. CULBERSON's amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. GORMAN. On the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). The junior Senator from Connecticut [Mr. PLATT] has been unavoidably called from the Chamber, and I have agreed to stand paired with him on this vote. If he were present, he would vote "yea" and I should vote "nay."

Mr. KNOX (when Mr. PENROSE's name was called). My colleague [Mr. PENROSE] stands paired on this bill with the junior Senator from Colorado [Mr. PATTERSON]. If present, he would vote "yea."

The roll call was concluded.

Mr. PETTUS. I desire to state, sir, that the senior Senator from Alabama [Mr. MORGAN] is absent. If present, he would vote against this bill.

Mr. MONEY. My colleague [Mr. McLAURIN] is absent and paired. If present, he would vote "nay."

The result was announced—yeas 44, nays 23, as follows:

YEAS—44.

Aldrich	Clark, Wyo.	Frye	Mitchell
Alger	Cullom	Fulton	Nelson
Allee	Dick	Gallinger	Perkins
Allison	Dietrich	Gamble	Proctor
Ankeny	Dillingham	Heyburn	Quarles
Ball	Dolliver	Kean	Scott
Bard	Dryden	Kittredge	Smoot
Beveridge	Elkins	Knox	Spooner
Burnham	Fairbanks	Lodge	Stewart
Burrows	Foraker	Long	Warren
Clapp	Foster, Wash.	McComas	Wetmore

NAYS—23.

Bailey	Cockrell	McCumber	Overman
Bate	Culberson	McEnery	Simmons
Berry	Dubois	Mallory	Stone
Blackburn	Foster, La.	Martin	Taliaferro
Carmack	Gorman	Money	Tillman
Clay	McCreary	Newlands	

NOT VOTING—23.

Bacon	Depew	Kearns	Penrose
Burton	Gibson	Latimer	Pettus
Clark, Mont.	Hale	McLaurin	Platt, Conn.
Clarke, Ark.	Hansbrough	Millard	Platt, N. Y.
Crane	Hawley	Morgan	Teller
Daniel	Hopkins	Patterson	

So the bill was passed.

EXECUTIVE SESSION.

Mr. HEYBURN. I move that the Senate proceed to the consideration of House bill 6295, known as the "pure-food bill;" and on the question of agreeing to that motion I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Idaho moves that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes.

Mr. LODGE. Pending that, I move that the Senate proceed to the consideration of executive business.

Mr. HEYBURN. I have asked for the yeas and nays on my motion.

Mr. LODGE. That does not make any difference.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate proceed to the consideration of executive business.

Mr. McCUMBER. I demand the yeas and nays on that motion.

Mr. HEYBURN. I ask for the yeas and nays.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts that the Senate proceed to the consideration of executive business, on which the yeas and nays are demanded. Is there a second?

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, December 19, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 16, 1904.

CONSUL.

George Horton, of Illinois, to be consul of the United States at Athens, Greece, vice Daniel E. McGinley, deceased.

CHIEF JUSTICE OF COURT OF APPEALS OF DISTRICT OF COLUMBIA.

Seth Shepard, of the District of Columbia, now serving as associate justice of the court of appeals of the District of Columbia, to be chief justice of the court of appeals of the District of Columbia, vice Richard H. Alvey, whose resignation has been accepted to take effect January 1, 1905.

ASSOCIATE JUSTICE OF COURT OF APPEALS OF DISTRICT OF COLUMBIA.

Charles H. Duell, of New York, to be associate justice of the court of appeals of the District of Columbia, vice Seth Shepard, nominated to be chief justice of the court of appeals of the District of Columbia.

PROMOTIONS IN THE ARMY.

With the rank of brigadier-general from April 23, 1904.

Col. Galusha Pennypacker, retired.
Col. David Perry, retired.
Col. Clarence M. Bailey, retired.

Col. Charles D. Viele, retired.
Col. Henry W. Wessells, jr., retired.
Col. William M. Van Horne, retired.
Col. Richard H. Pratt, retired.
Col. Isaac S. Catlin, retired.
Col. Henry B. Carrington, retired.
Col. Theophilus F. Rodenbough, retired.
Col. George A. Woodward, retired.
Col. James Van Voast, retired.
Col. John F. Head, retired.
Col. John Campbell, retired.
Col. John E. Summers, retired.
Col. Luther P. Bradley, retired.
Col. Marcus D. L. Simpson, retired.
Col. Rufus Saxton, retired.
Col. Elisha I. Baily, retired.
Col. John C. Tidball, retired.
Col. David L. Magruder, retired.
Col. Nathan A. M. Dudley, retired.
Col. Alfred L. Hough, retired.
Col. Horatio G. Gibson, retired.
Col. Joseph G. Tilford, retired.
Col. Henry R. Mizner, retired.
Col. George Bell, retired.
Col. George L. Andrews, retired.
Col. Anthony Heger, retired.
Col. Alexander J. Perry, retired.
Col. Rodney Smith, retired.
Col. Charles Page, retired.
Col. Bernard J. D. Irwin, retired.
Col. Matthew M. Blunt, retired.
Col. Charles H. Tompkins, retired.
Col. Loomis L. Langdon, retired.
Col. Henry M. Lazelle, retired.
Col. John G. Chandler, retired.
Col. Henry C. Hodges, retired.
Col. Cyrus B. Comstock, retired.
Col. Joseph R. Smith, retired.
Col. Judson D. Bingham, retired.
Col. Henry L. Abbot, retired.
Col. Edwin F. Townsend, retired.
Col. David S. Gordon, retired.
Col. Daingerfield Parker, retired.
Col. Henry C. Wood, retired.
Col. John W. Barriger, retired.
Col. Henry W. Closson, retired.
Col. Richard Lodor, retired.
Col. Thomas M. Vincent, retired.
Col. James Biddle, retired.
Col. Charles T. Alexander, retired.
Col. Henry C. Cook, retired.
Col. Daniel W. Benham, retired.
Col. Henry Carroll, retired.
Col. Charles E. Compton, retired.
Col. Alfred T. Smith, retired.
Col. Evan Miles, retired.
Col. Michael Cooney, retired.
Col. Edwin M. Coates, retired.
Col. James M. Whittemore, retired.
Col. Charles H. Alden, retired.
Col. Edward B. Williston, retired.
Col. James G. C. Lee, retired.
Col. James W. Scully, retired.
Col. Albert Hartsuff, retired.
Col. Augustus W. Corliss, retired.
Col. Alfred A. Woodhull, retired.
Col. Ezra P. Ewers, retired.
Col. John G. Gilmore, retired.
Col. Wirt Davis, retired.
Col. Charles I. Wilson, retired.
Col. Charles C. Byrne, retired.
Col. Henry Jackson, retired.
Col. Thomas McGregor, retired.
Col. Richard Comba, retired.
Col. James M. Moore, retired.
Col. Henry E. Noyes, retired.
Col. James N. Wheelan, retired.
Col. Charles R. Greenleaf, retired.
Col. Edward Moale, retired.
Col. E. Van Arsdale Andrus, retired.
Col. James B. Burbank, retired.
Col. Argalus G. Hennisee, retired.
Col. Justus M. Brown, retired.
Col. Eugene D. Dimmick, retired.
Col. William P. Vose, retired.

With the rank of colonel from April 23, 1904.

Lieut. Col. James H. Bradford, retired.
 Lieut. Col. Edward Field, retired.
 Lieut. Col. Andrew N. Damrell, retired.
 Lieut. Col. Thomas Shea, retired.
 Lieut. Col. Robert Avery, retired.
 Lieut. Col. Henry L. Chipman, retired.
 Lieut. Col. Edward Collins, retired.
 Lieut. Col. Benjamin C. Card, retired.
 Lieut. Col. Leslie Smith, retired.
 Lieut. Col. John Green, retired.
 Lieut. Col. George A. Forsyth, retired.
 Lieut. Col. Blencowe E. Fryer, retired.
 Lieut. Col. John A. Wilcox, retired.
 Lieut. Col. John H. Janeway, retired.
 Lieut. Col. George B. Dandy, retired.
 Lieut. Col. Samuel M. Horton, retired.
 Lieut. Col. Jeremiah H. Gilman, retired.
 Lieut. Col. Joseph R. Gibson, retired.
 Lieut. Col. James F. Randlett, retired.
 Lieut. Col. Francis E. Lacey, retired.
 Lieut. Col. James Jackson, retired.
 Lieut. Col. Augustus H. Bainbridge, retired.
 Lieut. Col. Wells Willard, retired.
 Lieut. Col. Johnson V. D. Middleton, retired.
 Lieut. Col. William D. Wolverton, retired.
 Lieut. Col. Stevens T. Norvell, retired.
 Lieut. Col. Henry Wagner, retired.
 Lieut. Col. John N. Coe, retired.
 Lieut. Col. Henry R. Tilton, retired.
 Lieut. Col. Egon A. Koerper, retired.
 Lieut. Col. John H. Calef, retired.
 Lieut. Col. William H. Clapp, retired.
 Lieut. Col. Henry R. Brinkerhoff, retired.
 Lieut. Col. William H. Boyle, retired.
 Lieut. Col. Lyster M. O'Brien, retired.
 Lieut. Col. James M. Ingalls, retired.
 Lieut. Col. Joel T. Kirkman, retired.
 Lieut. Col. Ezra Woodruff, retired.
 Lieut. Col. David B. Wilson, retired.
 Lieut. Col. Charles K. Winne, retired.
 Lieut. Col. Selden A. Day, retired.
 Lieut. Col. Almon L. Varney, retired.

With the rank of lieutenant-colonel from April 23, 1904.

Maj. Alexander S. B. Keyes, retired.
 Maj. John S. Loud, retired.
 Maj. Edmond G. Fehét, retired.
 Maj. Harry G. Cavanaugh, retired.
 Maj. Leopold O. Parker, retired.
 Maj. Marshall W. Wood, retired.
 Maj. Benjamin P. Runkle, retired.
 Maj. Jacob E. Burbank, retired.
 Maj. Herbert M. Enos, retired.
 Maj. Alfred E. Latimer, retired.
 Maj. Edwin D. Judd, retired.
 Maj. William Hawley, retired.
 Maj. James McMillan, retired.
 Maj. Frank Bridgman, retired.
 Maj. Theodore J. Eckerson, retired.
 Maj. Edwin Bentley, retired.
 Maj. Asa Bird Gardiner, retired.
 Maj. Gerald Russell, retired.
 Maj. Albert B. Kauffman, retired.
 Maj. Julius H. Patzki, retired.
 Maj. Daniel R. Larned, retired.
 Maj. De Witt C. Poole, retired.
 Maj. Thomas E. Rose, retired.
 Maj. John H. Bartholf, retired.
 Maj. Charles Bentzoni, retired.
 Maj. Frederick M. Crandal, retired.
 Maj. Henry M. Cronkhite, retired.
 Maj. Richard S. Vickery, retired.
 Maj. Daniel G. Caldwell, retired.
 Maj. George F. Robinson, retired.
 Maj. John A. Darling, retired.
 Maj. Otis W. Pollock, retired.
 Maj. Lewis Smith, retired.
 Maj. William H. Rexford, retired.
 Maj. George W. H. Stouch, retired.
 Maj. Ira Quinby, retired.
 Maj. John Murphy, retired.
 Maj. John S. Witcher, retired.
 Maj. William Gerlach, retired.
 Maj. John W. Summerhayes, retired.

Maj. William H. Hamner, retired.
 Maj. Frederick Fuger, retired.
 Maj. John C. Scantling, retired.
 Maj. Frank W. Hess, retired.
 Maj. Francis B. Jones, retired.
 Maj. John P. Baker, retired.
 Maj. Eaton A. Edwards, retired.
 Maj. Charles Newbold, retired.
 Maj. William W. Gilbert, retired.

With the rank of major from April 23, 1904.

Capt. George McGown, retired.
 Capt. Henry C. Morgan, retired.
 Capt. William P. Huxford, retired.
 Capt. Theodore A. Dodge, retired.
 Capt. Wellington G. Sprague, retired.
 Capt. Thomas H. Norton, retired.
 Capt. James A. Bates, retired.
 Capt. Charles T. Greene, retired.
 Capt. Frederick C. Von Schirach, retired.
 Capt. John M. Hoag, retired.
 Capt. John Kelliher, retired.
 Capt. Richard W. Tyler, retired.
 Capt. William P. Atwell, retired.
 Capt. Edward S. Meyer, retired.
 Capt. William Nelson, retired.
 Capt. Benjamin F. Rittenhouse, retired.
 Capt. Peter M. Boehm, retired.
 Capt. John L. Johnston, retired.
 Capt. James S. Tomkins, retired.
 Capt. Charles C. MacConnell, retired.
 Capt. D. Mortimer Lee, retired.
 Capt. George A. Armes, retired.
 Capt. John C. White, retired.
 Capt. Charles E. Morse, retired.
 Capt. James H. Spencer, retired.
 Capt. Lemuel A. Abbott, retired.
 Capt. Mason Jackson, retired.
 Capt. John S. McNaught, retired.
 Capt. George M. Downey, retired.
 Capt. Dwight H. Kelton, retired.
 Capt. Robert G. Smither, retired.
 Capt. Thomas G. Troxel, retired.
 Capt. Thomas M. McDougall, retired.
 Capt. Thomas H. Logan, retired.
 Capt. William A. Miller, retired.
 Capt. Gilbert E. Overton, retired.
 Capt. William R. Maize, retired.
 Capt. George G. Lott, retired.
 Capt. John Conline, retired.
 Capt. Thomas F. Tobey, retired.
 Capt. Samuel T. Hamilton, retired.
 Capt. Will W. Daugherty, retired.
 Capt. John P. Thompson, retired.
 Capt. Joshua A. Fessenden, retired.
 Capt. Edmund L. Zalinski, retired.
 Capt. John Anderson, retired.
 Capt. Alexander H. M. Taylor, retired.
 Capt. Edmund Luff, retired.
 Capt. Frazier A. Boutelle, retired.
 Capt. James D. Nickerson, retired.
 Capt. Joseph L. Tidball, retired.
 Capt. Charles C. Churchill, retired.
 Capt. Charles Holmes, retired.
 Capt. Henry B. Hendershott, retired.
 Capt. Alexander Murry, retired.
 Capt. Thomas T. Brand, retired.
 Capt. Josiah H. Kellogg, retired.
 Capt. Thomas C. J. Bailey, retired.
 Capt. John McDonald, retired.
 Capt. John H. Butler, retired.
 Capt. George E. Judd, retired.
 Capt. William R. Smedberg, retired.
 Capt. Albert Barnitz, retired.
 Capt. Jacob W. Keller, retired.
 Capt. William R. Bourne, retired.
 Capt. George H. McLoughlin, retired.
 Capt. Wright Rives, retired.
 Capt. Edwin J. Conway, retired.
 Capt. Samuel E. Armstrong, retired.
 Capt. John Miller, retired.
 Capt. James Stewart, retired.
 Capt. Herman Schreiner, retired.
 Capt. Michael J. Fitz-Gerald, retired.
 Capt. Joel G. Trimble, retired.

Capt. Benjamin H. Gilbreth, retired.
 Capt. William Falck, retired.
 Capt. Charles Steelhammer, retired.
 Capt. Deane Monahan, retired.
 Capt. Sebastian Gunther, retired.
 Capt. Frederic A. Kendall, retired.
 Capt. Charles Harkins, retired.
 Capt. George Shorkley, retired.
 Capt. Henry M. Benson, retired.
 Capt. George F. Foote, retired.
 Capt. William R. Parnell, retired.
 Capt. John Hamilton, retired.
 Capt. Frederic C. Nichols, retired.
 Capt. William Fletcher, retired.
 Capt. John T. Morrison, retired.
 Capt. David Schooley, retired.
 Capt. Byron Dawson, retired.
 Capt. Eugene A. Bancroft, retired.
 Capt. Charles Wheaton, retired.
 Capt. Michael Leahy, retired.
 Capt. Daniel Robinson, retired.
 Capt. George F. Barstow, retired.
 Capt. William N. Sage, retired.
 Capt. John W. Bean, retired.
 Capt. Edwin J. Stivers, retired.
 Capt. Matthew Markland, retired.
 Capt. William R. Steinmetz, retired.
 Capt. Max Wesendorff, retired.
 Capt. David R. Burnham, retired.
 Capt. Daniel F. Callinan, retired.
 Capt. Henry S. Howe, retired.
 Capt. Frank D. Garretty, retired.
 Capt. Thomas F. Quinn, retired.
 Capt. Algernon S. M. Morgan, retired.
 Capt. William Conway, retired.
 Capt. William Hoffman, retired.
 Capt. Levi F. Burnett, retired.
 Capt. Gerhard L. Luhn, retired.
 Capt. George A. Drew, retired.
 Capt. John J. O'Brien, retired.
 Capt. James Ulio, retired.
 Capt. Charles C. De Rudio, retired.
 Capt. Jacob F. Munson, retired.
 Capt. Henry Romeyn, retired.
 Capt. Alfred Morton, retired.
 Capt. Mason Carter, retired.
 Capt. Sidney E. Clark, retired.
 Capt. John S. Bishop, retired.
 Capt. Charles D. A. Loeffler, retired.
 Capt. Jonathan N. Patton, retired.
 Chaplain Francis H. Weaver, retired.
 Chaplain Delmar R. Lowell, retired.
 Chaplain William H. Pearson, retired.
 Chaplain William F. Hubbard, retired.
 Chaplain Henry H. Hall, retired.
 Chaplain Daniel Kendig, retired.
 Chaplain George W. Collier, retired.
 Chaplain Stephen G. Dodd, retired.
 Chaplain Osgood E. Herrick, retired.
 Chaplain Sherman M. Merrill, retired.
 Chaplain Winfield Scott, retired.
 Chaplain John H. Macomber, retired.
 Chaplain Brant C. Hammond, retired.
 Chaplain Bernard Kelly, retired.
 Chaplain Dudley Chase, retired.

With the rank of captain from April 23, 1904.

First Lieut. Walter F. Halleck, retired.
 First Lieut. Richard C. Du Bois, retired.
 First Lieut. Hugh D. Bowker, retired.
 First Lieut. Frank R. Rice, retired.
 First Lieut. David H. Cortelyou, retired.
 First Lieut. Robert G. Carter, retired.
 First Lieut. Henry Marcotte, retired.
 First Lieut. George E. Albee, retired.
 First Lieut. William H. Miller, retired.
 First Lieut. Charles C. Cresson, retired.
 First Lieut. Asa T. Abbott, retired.
 First Lieut. Louis H. Orleman, retired.
 First Lieut. John F. Trout, retired.
 First Lieut. David J. Gibbon, retired.
 First Lieut. Robert H. Young, retired.
 First Lieut. Stephen J. Mulhall, retired.
 First Lieut. Herbert Cushman, retired.
 First Lieut. George Williams, retired.

First Lieut. William G. Fitch, retired.
 First Lieut. Ransom Kennicott, retired.
 First Lieut. Edmund R. P. Shurly, retired.
 First Lieut. Charles A. Curtis, retired.
 First Lieut. James R. Mullikin, retired.
 First Lieut. Michael J. Hogarty, retired.
 First Lieut. Charles W. Keyes, retired.
 First Lieut. Henry B. Mellen, retired.
 First Lieut. James H. Rice, retired.
 First Lieut. Freeman E. Olmstead, retired.
 First Lieut. Henry R. Jones, retired.
 First Lieut. Robert G. Rutherford, retired.
 First Lieut. George W. Budd, retired.
 First Lieut. Benjamin D. Boswell, retired.
 First Lieut. Royal E. Whitman, retired.
 First Lieut. William H. Nelson, retired.
 First Lieut. Granville Lewis, retired.
 First Lieut. James H. Sands, retired.
 First Lieut. John Bannister, retired.
 First Lieut. Thomas B. Briggs, retired.

With the rank of first lieutenant from April 23, 1904.

Second Lieut. William P. Hogarty, retired.
 Second Lieut. Frank Madden, retired.
 Second Lieut. Gustave Magnitzky, retired.
 Second Lieut. James Davison, retired.
 Second Lieut. Thomas B. Reed, retired.
 Second Lieut. William N. Williams, retired.

With the rank of brigadier-general.

Col. Anthony W. Vogdes, retired, with rank from May 20, 1904.
 Col. Charles W. Raymond, retired, with rank from June 11, 1904.
 Col. Joshua W. Jacobs, retired, with rank from June 25, 1904.
 Col. John R. McGinness, retired, with rank from September 17, 1904.

With the rank of colonel.

Lieut. Col. Edwin F. Gardner, retired, with rank from August 3, 1904.

With the rank of lieutenant-colonel.

Maj. Ezra B. Fuller, retired, with rank from May 13, 1904.
 Maj. Jerome A. Watrous, retired, with rank from September 6, 1904.

With the rank of lieutenant-colonel.

Capt. Theodore Sternberg, retired, with rank from September 15, 1904.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 16, 1904.

DISTRICT JUDGE OF PORTO RICO.

Charles F. McKenna, of Pennsylvania, to be United States district judge for the district of Porto Rico.

COMMISSIONER OF LABOR, DEPARTMENT OF COMMERCE AND LABOR.

Charles P. Neill, of the District of Columbia, to be Commissioner of Labor in the Department of Commerce and Labor.

ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

Charles F. Larrabee, of Portland, Me., to be Assistant Commissioner of Indian Affairs.

ASSISTANT APPRAISER OF MERCHANDISE.

Rufus A. Flanders, of Massachusetts, to be assistant appraiser of merchandise in the district of Boston and Charlestown, in the State of Massachusetts.

COLLECTORS OF INTERNAL REVENUE.

Edgar O. Crossman, of New Hampshire, to be collector of internal revenue for the district of New Hampshire.

Frank L. Smith, of Illinois, to be collector of internal revenue for the eighth district of Illinois.

Charles W. Roberts, of Missouri, to be collector of internal revenue for the sixth district of Missouri.

INDIAN AGENTS.

Capt. John McA. Webster, United States Army, retired, of Mackinac Island, Mich., who was appointed June 20, 1904, during the recess of the Senate, to be agent for the Indians of the Colville Agency, in Washington.

Samuel Bellew, of Missoula, Mont., who was appointed June 30, 1904, during the recess of the Senate, to be agent for the Indians of the Flathead Agency, in Montana.

Frank Frantz, of Enid, Okla., who was appointed June 3, 1904, during the recess of the Senate, to be agent for the Indians of the Osage Agency, in Oklahoma.

APPOINTMENTS IN THE MARINE CORPS.

To be second lieutenants in the Marine Corps from the 3d day of December, 1904, to fill vacancies existing in that grade on that date.

Henry N. Manney, jr., a citizen of New York;
Clifford P. Meyer, a citizen of Louisiana;
Franklin B. Garrett, a citizen of Louisiana;
Samuel W. Bogan, a citizen of Maryland;
Calvin B. Matthews, a citizen of Tennessee;
Frederick A. Gardener, a citizen of Michigan;
Edward P. Dieter, a noncommissioned officer of the Marine Corps;

Albert E. Randall, a citizen of Nebraska;
Arthur A. Racicot, jr., a citizen of Massachusetts;
James R. N. Boyd, a citizen of Virginia;
Ross S. Kingsbury, a citizen of Idaho;
Tom Dustin Barber, a citizen of Vermont; and
Hermann T. Vulte, a citizen of New York.

PROMOTION IN THE MARINE CORPS.

Lieut. Col. Paul St. C. Murphy to be a colonel in the Marine Corps from the 9th day of December, 1904.

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. Carroll Fox, of Pennsylvania, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 27, 1904.

Asst. Surg. Joseph Goldberger, of Pennsylvania, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from July 27, 1904.

Asst. Surg. Dunlop Moore, of Pennsylvania, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from June 4, 1904.

Asst. Surg. Clarence W. Wille, of Pennsylvania, to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from November 25, 1904.

PROMOTIONS IN THE NAVY.

Lieut. Commander William H. Allen to be a commander in the Navy from the 23d day of November, 1904.

Lieut. (Junior Grade) Hilary H. Royall to be a lieutenant in the Navy from the 6th day of December, 1904.

Asst. Surg. Paul E. McDonnold to be a passed assistant surgeon in the Navy from the 2d day of July, 1904, upon the completion of three years' service.

Lieut. (Junior Grade) Claude C. Bloch to be a lieutenant in the Navy from the 8th day of November, 1904.

Capt. Royal B. Bradford to be a rear-admiral in the Navy from the 23d day of November, 1904.

Commander William H. Beehler to be a captain in the Navy from the 23d day of November, 1904.

Gunner Charles E. Jaffee to be a chief gunner in the Navy from the 11th day of July, 1904, upon the completion of six years' service in accordance with an act of Congress approved April 27, 1904.

Gunner Herbert Campbell to be a chief gunner in the Navy from the 27th day of April, 1904, after having completed six years' service in accordance with the provisions of an act of Congress approved April 27, 1904.

Gunner Patrick Hill to be a chief gunner in the Navy from the 28th day of October, 1904, upon the completion of six years' service in accordance with the provisions of an act of Congress approved April 27, 1904.

PROMOTIONS IN THE ARMY.

With the rank of brigadier-general from April 23, 1904.

Col. Galusha Pennypacker, retired.
Col. David Perry, retired.
Col. Clarence M. Bailey, retired.
Col. Charles D. Viele, retired.
Col. Henry W. Wessells, jr., retired.
Col. William M. Van Horne, retired.
Col. Richard H. Pratt, retired.
Col. Isaac S. Catlin, retired.
Col. Henry B. Carrington, retired.
Col. Theophilus F. Rodenbough, retired.
Col. George A. Woodward, retired.
Col. James Van Voast, retired.
Col. John F. Head, retired.
Col. John Campbell, retired.
Col. John E. Summers, retired.
Col. Luther P. Bradley, retired.
Col. Marcus D. L. Simpson, retired.

Col. Rufus Saxton, retired.
Col. Elisha I. Baily, retired.
Col. John C. Tidball, retired.
Col. David L. Magruder, retired.
Col. Nathan A. M. Dudley, retired.
Col. Alfred L. Hough, retired.
Col. Horatio G. Gibson, retired.
Col. Joseph G. Tilford, retired.
Col. Henry R. Mizner, retired.
Col. George Bell, retired.
Col. George L. Andrews, retired.
Col. Anthony Heger, retired.
Col. Alexander J. Perry, retired.
Col. Rodney Smith, retired.
Col. Charles Page, retired.
Col. Bernard J. D. Irwin, retired.
Col. Matthew M. Blunt, retired.
Col. Charles H. Tompkins, retired.
Col. Loomis L. Langdon, retired.
Col. Henry M. Lazelle, retired.
Col. John G. Chandler, retired.
Col. Henry C. Hodges, retired.
Col. Cyrus B. Comstock, retired.
Col. Joseph R. Smith, retired.
Col. Judson D. Bingham, retired.
Col. Henry L. Abbot, retired.
Col. Edwin F. Townsend, retired.
Col. David S. Gordon, retired.
Col. Daingerfield Parker, retired.
Col. Henry C. Wood, retired.
Col. John W. Barriger, retired.
Col. Henry W. Closson, retired.
Col. Richard Lodor, retired.
Col. Thomas M. Vincent, retired.
Col. James Biddle, retired.
Col. Charles T. Alexander, retired.
Col. Henry C. Cook, retired.
Col. Daniel W. Benham, retired.
Col. Henry Carroll, retired.
Col. Charles E. Compton, retired.
Col. Alfred T. Smith, retired.
Col. Evan Miles, retired.
Col. Michael Cooney, retired.
Col. Edwin M. Coates, retired.
Col. James M. Whittemore, retired.
Col. Charles H. Alden, retired.
Col. Edward B. Williston, retired.
Col. James G. C. Lee, retired.
Col. James W. Scully, retired.
Col. Albert Hartsuff, retired.
Col. Augustus W. Corliss, retired.
Col. Alfred A. Woodhull, retired.
Col. Ezra P. Ewers, retired.
Col. John C. Gilmore, retired.
Col. Wirt Davis, retired.
Col. Charles I. Wilson, retired.
Col. Charles C. Byrne, retired.
Col. Henry Jackson, retired.
Col. Thomas McGregor, retired.
Col. Richard Comba, retired.
Col. James M. Moore, retired.
Col. Henry E. Noyes, retired.
Col. James N. Wheelan, retired.
Col. Charles R. Greenleaf, retired.
Col. Edward Moale, retired.
Col. E. Van Arsdale Andrus, retired.
Col. James B. Burbank, retired.
Col. Argalus G. Hennisee, retired.
Col. Justus M. Brown, retired.
Col. Eugene D. Dimmick, retired.
Col. William P. Vose, retired.

With the rank of colonel from April 23, 1904.

Lieut. Col. James H. Bradford, retired.
Lieut. Col. Edward Field, retired.
Lieut. Col. Andrew N. Damrell, retired.
Lieut. Col. Thomas Shea, retired.
Lieut. Col. Robert Avery, retired.
Lieut. Col. Henry L. Chipman, retired.
Lieut. Col. Edward Collins, retired.
Lieut. Col. Benjamin C. Card, retired.
Lieut. Col. Leslie Smith, retired.
Lieut. Col. John Green, retired.
Lieut. Col. George A. Forsyth, retired.
Lieut. Col. Blencowe E. Fryer, retired.

Lieut. Col. John A. Wilcox, retired.
 Lieut. Col. John H. Janeway, retired.
 Lieut. Col. George B. Dandy, retired.
 Lieut. Col. Samuel M. Horton, retired.
 Lieut. Col. Jeremiah H. Gilman, retired.
 Lieut. Col. Joseph R. Gibson, retired.
 Lieut. Col. James F. Randlett, retired.
 Lieut. Col. Francis E. Lacey, retired.
 Lieut. Col. James Jackson, retired.
 Lieut. Col. Augustus H. Bainbridge, retired.
 Lieut. Col. Wells Willard, retired.
 Lieut. Col. Johnson V. D. Middleton, retired.
 Lieut. Col. William D. Wolverton, retired.
 Lieut. Col. Stevens T. Norvell, retired.
 Lieut. Col. Henry Wagner, retired.
 Lieut. Col. John N. Coe, retired.
 Lieut. Col. Henry R. Tilton, retired.
 Lieut. Col. Egon A. Koerper, retired.
 Lieut. Col. John H. Calef, retired.
 Lieut. Col. William H. Clapp, retired.
 Lieut. Col. Henry R. Brinkerhoff, retired.
 Lieut. Col. William H. Boyle, retired.
 Lieut. Col. Lyster M. O'Brien, retired.
 Lieut. Col. James M. Ingalls, retired.
 Lieut. Col. Joel T. Kirkman, retired.
 Lieut. Col. Ezra Woodruff, retired.
 Lieut. Col. David B. Willson, retired.
 Lieut. Col. Charles K. Winne, retired.
 Lieut. Col. Selden A. Day, retired.
 Lieut. Col. Almon L. Varney, retired.

With the rank of lieutenant-colonel from April 23, 1904

Maj. Alexander S. B. Keyes, retired.
 Maj. John S. Loud, retired.
 Maj. Edmond G. Feché, retired.
 Maj. Harry G. Cavanaugh, retired.
 Maj. Leopold O. Parker, retired.
 Maj. Marshall W. Wood, retired.
 Maj. Benjamin P. Runkle, retired.
 Maj. Jacob E. Burbank, retired.
 Maj. Herbert M. Enos, retired.
 Maj. Alfred E. Latimer, retired.
 Maj. Edwin D. Judd, retired.
 Maj. William Hawley, retired.
 Maj. James McMillan, retired.
 Maj. Frank Bridgman, retired.
 Maj. Theodore J. Eckerson, retired.
 Maj. Edwin Bentley, retired.
 Maj. Asa Bird Gardiner, retired.
 Maj. Gerald Russell, retired.
 Maj. Albert B. Kauffman, retired.
 Maj. Julius H. Patzki, retired.
 Maj. Daniel R. Larned, retired.
 Maj. De Witt C. Poole, retired.
 Maj. Thomas E. Rose, retired.
 Maj. John H. Bartholf, retired.
 Maj. Charles Bentzoni, retired.
 Maj. Frederick M. Crandal, retired.
 Maj. Henry M. Cronkhite, retired.
 Maj. Richard S. Vickery, retired.
 Maj. Daniel G. Caldwell, retired.
 Maj. George F. Robinson, retired.
 Maj. John A. Darling, retired.
 Maj. Otis W. Pollock, retired.
 Maj. Lewis Smith, retired.
 Maj. William H. Rexford, retired.
 Maj. George W. H. Stouch, retired.
 Maj. Ira Quinby, retired.
 Maj. John Murphy, retired.
 Maj. John S. Witcher, retired.
 Maj. William Gerlach, retired.
 Maj. John W. Summerhayes, retired.
 Maj. William H. Hamner, retired.
 Maj. Frederick Fuger, retired.
 Maj. John C. Scantling, retired.
 Maj. Frank W. Hess, retired.
 Maj. Francis B. Jones, retired.
 Maj. John P. Baker, retired.
 Maj. Eaton A. Edwards, retired.
 Maj. Charles Newbold, retired.
 Maj. William W. Gilbert, retired.

With the rank of major from April 23, 1904.

Capt. George McGown, retired.
 Capt. Henry C. Morgan, retired.
 Capt. William P. Huxford, retired.

Capt. Theodore A. Hodge, retired.
 Capt. Wellington G. Sprague, retired.
 Capt. Thomas H. Norton, retired.
 Capt. James A. Bates, retired.
 Capt. Charles T. Greene, retired.
 Capt. Frederick C. Von Schirach, retired.
 Capt. John M. Hoag, retired.
 Capt. John Kelliher, retired.
 Capt. Richard W. Tyler, retired.
 Capt. William P. Atwell, retired.
 Capt. Edward S. Meyer, retired.
 Capt. William Nelson, retired.
 Capt. Benjamin F. Rittenhouse, retired.
 Capt. Peter M. Boehm, retired.
 Capt. John L. Johnston, retired.
 Capt. James S. Tomkins, retired.
 Capt. Charles C. MacConnell, retired.
 Capt. D. Mortimer Lee, retired.
 Capt. George A. Armes, retired.
 Capt. John C. White, retired.
 Capt. Charles E. Morse, retired.
 Capt. James H. Spencer, retired.
 Capt. Lemuel A. Abbott, retired.
 Capt. Mason Jackson, retired.
 Capt. John S. McNaught, retired.
 Capt. George M. Downey, retired.
 Capt. Dwight H. Kelton, retired.
 Capt. Robert G. Smither, retired.
 Capt. Thomas G. Troxel, retired.
 Capt. Thomas M. McDougall, retired.
 Capt. Thomas H. Logan, retired.
 Capt. William A. Miller, retired.
 Capt. Gilbert E. Overton, retired.
 Capt. William R. Maize, retired.
 Capt. George G. Lott, retired.
 Capt. John Conline, retired.
 Capt. Thomas F. Tobey, retired.
 Capt. Samuel T. Hamilton, retired.
 Capt. Will W. Daugherty, retired.
 Capt. John P. Thompson, retired.
 Capt. Joshua A. Fessenden, retired.
 Capt. Edmund L. Zalinski, retired.
 Capt. John Anderson, retired.
 Capt. Alexander H. M. Taylor, retired.
 Capt. Edmund Luff, retired.
 Capt. Frazier A. Boutelle, retired.
 Capt. James D. Nickerson, retired.
 Capt. Joseph L. Tidball, retired.
 Capt. Charles C. Churchill, retired.
 Capt. Charles Holmes, retired.
 Capt. Henry B. Hendershott, retired.
 Capt. Alexander Murry, retired.
 Capt. Thomas T. Brand, retired.
 Capt. Josiah H. Kellogg, retired.
 Capt. Thomas C. J. Bailey, retired.
 Capt. John McDonald, retired.
 Capt. John H. Butler, retired.
 Capt. George E. Judd, retired.
 Capt. William R. Smedberg, retired.
 Capt. Albert Barnitz, retired.
 Capt. Jacob W. Keller, retired.
 Capt. William R. Bourne, retired.
 Capt. George H. McLoughlin, retired.
 Capt. Wright Rives, retired.
 Capt. Edwin J. Conway, retired.
 Capt. Samuel E. Armstrong, retired.
 Capt. John Miller, retired.
 Capt. James Stewart, retired.
 Capt. Herman Schreiner, retired.
 Capt. Michael J. Fitz-Gerald, retired.
 Capt. Joel G. Trimble, retired.
 Capt. Benjamin H. Gilbreth, retired.
 Capt. William Falck, retired.
 Capt. Charles Steelhammer, retired.
 Capt. Deane Monahan, retired.
 Capt. Sebastian Gunther, retired.
 Capt. Frederic A. Kendall, retired.
 Capt. Charles Harkins, retired.
 Capt. George Shorkley, retired.
 Capt. Henry M. Benson, retired.
 Capt. George F. Foote, retired.
 Capt. William R. Parnell, retired.
 Capt. John Hamilton, retired.
 Capt. Frederic C. Nichols, retired.
 Capt. William Fletcher, retired.

Capt. John T. Morrison, retired.
 Capt. David Schooley, retired.
 Capt. Byron Dawson, retired.
 Capt. Eugene A. Bancroft, retired.
 Capt. Charles Wheaton, retired.
 Capt. Michael Leahy, retired.
 Capt. Daniel Robinson, retired.
 Capt. George F. Barstow, retired.
 Capt. William N. Sage, retired.
 Capt. John W. Bean, retired.
 Capt. Edwin J. Stivers, retired.
 Capt. Matthew Markland, retired.
 Capt. William R. Steinmetz, retired.
 Capt. Max Wesendorff, retired.
 Capt. David R. Burnham, retired.
 Capt. Daniel F. Callinan, retired.
 Capt. Henry S. Howe, retired.
 Capt. Frank D. Garretty, retired.
 Capt. Thomas F. Quinn, retired.
 Capt. Algernon S. M. Morgan, retired.
 Capt. William Conway, retired.
 Capt. William Hoffman, retired.
 Capt. Levi F. Burnett, retired.
 Capt. Gerhard L. Luhn, retired.
 Capt. George A. Drew, retired.
 Capt. John J. O'Brien, retired.
 Capt. James Ulio, retired.
 Capt. Charles C. De Rudio, retired.
 Capt. Jacob F. Munson, retired.
 Capt. Henry Romeyn, retired.
 Capt. Alfred Morton, retired.
 Capt. Mason Carter, retired.
 Capt. Sidney E. Clark, retired.
 Capt. John S. Bishop, retired.
 Capt. Charles D. A. Loeffler, retired.
 Capt. Jonathan N. Patton, retired.
 Chaplain Francis H. Weaver, retired.
 Chaplain Delmar R. Lowell, retired.
 Chaplain William H. Pearson, retired.
 Chaplain William F. Hubbard, retired.
 Chaplain Henry H. Hall, retired.
 Chaplain Daniel Kendig, retired.
 Chaplain George W. Collier, retired.
 Chaplain Stephen G. Dodd, retired.
 Chaplain Osgood E. Herrick, retired.
 Chaplain Sherman M. Merrill, retired.
 Chaplain Winfield Scott, retired.
 Chaplain John H. Macomber, retired.
 Chaplain Brant C. Hammond, retired.
 Chaplain Bernard Kelly, retired.
 Chaplain Dudley Chase, retired.

With the rank of captain from April 23, 1904.

First Lieut. Walter F. Halleck, retired.
 First Lieut. Richard C. Du Bois, retired.
 First Lieut. Hugh D. Bowker, retired.
 First Lieut. Frank R. Rice, retired.
 First Lieut. David H. Cortelyou, retired.
 First Lieut. Robert G. Carter, retired.
 First Lieut. Henry Marcotte, retired.
 First Lieut. George E. Albee, retired.
 First Lieut. William H. Miller, retired.
 First Lieut. Charles C. Cresson, retired.
 First Lieut. Asa T. Abbott, retired.
 First Lieut. Louis H. Orleman, retired.
 First Lieut. John F. Trout, retired.
 First Lieut. David J. Gibbon, retired.
 First Lieut. Robert H. Young, retired.
 First Lieut. Stephen J. Mulhall, retired.
 First Lieut. Herbert Cushman, retired.
 First Lieut. George Williams, retired.
 First Lieut. William G. Fitch, retired.
 First Lieut. Ransom Kennicott, retired.
 First Lieut. Edmund R. P. Shurly, retired.
 First Lieut. Charles A. Curtis, retired.
 First Lieut. James R. Mullikin, retired.
 First Lieut. Michael J. Hogarty, retired.
 First Lieut. Charles W. Keyes, retired.
 First Lieut. Henry B. Mellen, retired.
 First Lieut. James H. Rice, retired.
 First Lieut. Freeman E. Olmstead, retired.
 First Lieut. Henry R. Jones, retired.
 First Lieut. Robert G. Rutherford, retired.
 First Lieut. George W. Budd, retired.
 First Lieut. Benjamin D. Boswell, retired.

First Lieut. Royal E. Whitman, retired.
 First Lieut. William H. Nelson, retired.
 First Lieut. Granville Lewis, retired.
 First Lieut. James H. Sands, retired.
 First Lieut. John Bannister, retired.
 First Lieut. Thomas B. Briggs, retired.

With the rank of first lieutenant from April 23, 1904.

Second Lieut. William P. Hogarty, retired.
 Second Lieut. Frank Madden, retired.
 Second Lieut. Gustave Magnitzky, retired.
 Second Lieut. James Davison, retired.
 Second Lieut. Thomas B. Reed, retired.
 Second Lieut. William N. Williams, retired.

With the rank of brigadier-general.

Col. Anthony W. Vogdes, retired, with rank from May 20, 1904.

Col. Charles W. Raymond, retired, with rank from June 11, 1904.

Col. Joshua W. Jacobs, retired, with rank from June 25, 1904.
 Col. John R. McGinness, retired, with rank from September 17, 1904.

With the rank of colonel.

Lieut. Col. Edwin F. Gardner, retired, with rank from August 3, 1904.

With the rank of lieutenant-colonel.

Maj. Ezra B. Fuller, retired, with rank from May 13, 1904.
 Maj. Jerome A. Watrous, retired, with rank from September 6, 1904.

With the rank of major.

Capt. Theodore Sternberg, retired, with rank from September 15, 1904.

POSTMASTERS.

CALIFORNIA.

Josiah R. Baker to be postmaster at Antioch, in the county of Contra Costa and State of California.

George W. Stevens to be postmaster at Benicia, in the county of Solano and State of California.

FLORIDA.

Newell B. Hull to be postmaster at Starke, in the county of Bradford and State of Florida.

ILLINOIS.

Henry C. Bogue to be postmaster at Vermont, in the county of Fulton and State of Illinois.

Swan J. Chilberg to be postmaster at Cambridge, in the county of Henry and State of Illinois.

Oscar H. Harpham to be postmaster at Havana, in the county of Mason and State of Illinois.

Charles G. Watrous to be postmaster at Waukegan, in the county of Lake and State of Illinois.

INDIAN TERRITORY.

Stephen A. Douglas to be postmaster at Ardmore, in District 21, Indian Territory.

MASSACHUSETTS.

William F. Wiley to be postmaster at Peabody, in the county of Essex and State of Massachusetts.

MINNESOTA.

Lewis O. Norheim to be postmaster at Montevideo, in the county of Chippewa and State of Minnesota.

MISSOURI.

Edward D. Lowe to be postmaster at Cuba, in the county of Crawford and State of Missouri.

Edgar W. Prentiss to be postmaster at Bethany, in the county of Harrison and State of Missouri.

NEW JERSEY.

Charlotte Ketcham to be postmaster at Belvidere, in the county of Warren and State of New Jersey.

NEW YORK.

F. A. Davis to be postmaster at Fort Edward, in the county of Washington and State of New York.

Melvin D. Herriman to be postmaster at Sandy Creek, in the county of Oswego and State of New York.

Annie Larrabee to be postmaster at Oyster Bay, in the county of Nassau and State of New York.

William Purcell to be postmaster at Scottsville, in the county of Monroe and State of New York.

Charles N. Wood to be postmaster at Angola, in the county of Erie and State of New York.

NORTH DAKOTA.

Francis R. Cruden to be postmaster at McHenry, in the county of Foster and State of North Dakota.

Millard F. Kepner to be postmaster at New Rockford, in the county of Eddy and State of North Dakota.

OHIO.

Milton B. Dickerson to be postmaster at Marion, in the county of Marion and State of Ohio.

John A. Koeper to be postmaster at New Bremen, in the county of Auglaize and State of Ohio.

Edmund L. McCalley to be postmaster at Middletown, in the county of Butler and State of Ohio.

William B. Wallace, to be postmaster at Oxford, in the county of Butler and State of Ohio.

PENNSYLVANIA.

R. C. Keefer to be postmaster at Clairton, in the county of Allegheny and State of Pennsylvania.

William P. McMasters to be postmaster at Munhall, in the county of Allegheny and State of Pennsylvania.

SOUTH DAKOTA.

William F. Bancroft to be postmaster at Wessington Springs, in the county of Jerauld and State of South Dakota.

VERMONT.

Lewis A. Skiff to be postmaster at Middlebury, in the county of Addison and State of Vermont.

WEST VIRGINIA.

Grace O. Montgomery to be postmaster at Tunnelton, in the county of Preston and State of West Virginia.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 16, 1904.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

SUNDRY BILLS TABLED.

The SPEAKER. The Chair desires to lay before the House certain bills on the House Calendar and also certain bills on the Union Calendar. Senate bills similar to the same were passed at the last session, by the Senate and by the House, and as the Chair is informed became law. These bills still remain on the Calendar and should be laid on the table.

The Clerk will report the following bills, by number:

The Clerk read as follows:

A bill (H. R. 14968) permitting the Ozark and Cherokee Central Railroad Company and the Arkansas Valley and Western Railroad Company, and each or either of them, to sell and convey their railroads and other property in the Indian Territory to the St. Louis and San Francisco Railroad Company, or to the Chicago, Rock Island and Pacific Railway Company, and for other purposes.

A bill (H. R. 2513) to further amend an act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, and amendment thereto, approved March 3, 1899, and for other purposes.

A bill (H. R. 1975) to amend section 1225 of Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools.

The House joint resolution (H. J. Res. 147) requesting the Secretary of the Interior to institute an investigation relative to the use of the waters of the Colorado River for irrigation, and to report to Congress thereon.

The SPEAKER. Without objection, the bills will lie on the table. [After a pause.] The Chair hears no objection.

The following bills are in Committee of the Whole House.

The Clerk read as follows:

The bill (H. R. 13130) for the relief of James T. Barry and Richard Cushion, executors of the last will and testament of Martin Dowling, deceased.

The bill (H. R. 5335) to provide an American register for the British ship *Pyrenees*.

The House joint resolution (H. J. Res. 122) permitting Maj. Thomas W. Symons, Corps of Engineers, to assist the State of New York by acting as a member of an advisory board.

The SPEAKER. Without objection, the Committee of the Whole will be discharged from further consideration, and the bills will lie on the table.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment a bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 16445. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1905, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2972. An act granting an increase of pension to Thomas Boyle—to the Committee on Invalid Pensions.

S. 3742. An act granting an increase of pension to Juliet A. B. Hoff—to the Committee on Invalid Pensions.

S. 4208. An act granting an increase of pension to Bessy Forsyth Bache—to the Committee on Invalid Pensions.

S. 2286. An act granting an increase of pension to James Thompson—to the Committee on Invalid Pensions.

S. 5738. An act granting an increase of pension to Enoch Russell—to the Committee on Invalid Pensions.

S. 2493. An act granting an increase of pension to Alfred Tichurst—to the Committee on Invalid Pensions.

S. 2890. An act granting an increase of pension to Andrew C. Kemper—to the Committee on Invalid Pensions.

S. 2333. An act granting a pension to Benjamin F. Hall—to the Committee on Invalid Pensions.

S. 4199. An act granting a pension to William Rufus Kelly—to the Committee on Invalid Pensions.

S. 316. An act granting an increase of pension to Elmore Y. Chase—to the Committee on Invalid Pensions.

S. 266. An act granting a pension to Emma S. Harney—to the Committee on Invalid Pensions.

S. 342. An act for the improvement of the Mount Rainier National Park, in the State of Washington—to the Committee on Appropriations.

STATUE OF JOHN J. INGALLS.

Mr. CURTIS. Mr. Speaker, I offer the following resolution, and ask unanimous consent for its present consideration.

The Clerk read as follows:

Resolved, That the exercises appropriate to the reception and acceptance from the State of Kansas of the statue of John J. Ingalls, erected in the old Hall of the House of Representatives, be made the special order for Saturday, January 21, 1905, at 3.30 o'clock p. m.

The SPEAKER. Is there objection to the present consideration? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

BILLS ON THE PRIVATE CALENDAR.

Mr. GRAFF. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union to consider bills on the Private Calendar, in accordance with the special order in that behalf.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House, with Mr. CAMPBELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House for the consideration of bills on the Private Calendar under special order. The Clerk will report the first bill.

ILLINOIS CENTRAL RAILROAD COMPANY.

The Clerk read the bill, as follows:

A bill (H. R. 11664) to reimburse the Illinois Central Railroad Company for damage to union depot at Louisville, Ky., by blasting in the Ohio River.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Illinois Central Railroad Company, out of any money in the Treasury not otherwise appropriated, the sum of \$60.82 for reimbursement of damages to the roof of the union depot and train shed at Seventh and River streets, Louisville, Ky., by blasting operations conducted by the Government in connection with the improvement of the Ohio River.

Mr. PAYNE. I would like to ask the gentleman from Illinois, the chairman of the committee, a question. I understand this bill calls for an appropriation of \$60. Why is this enormous sum asked of the United States by a great and rich corporation?

Mr. GRAFF. Because there is no other way to obtain it. [Laughter.] The parties are entitled to it; it is recommended by the Department because the damage was caused by the United States; because the railroad company suffered the loss or damage, and because the amount has been ascertained and because there is no question about the claim.

Mr. PAYNE. The gentleman states that the United States caused this great damage?

Mr. GRAFF. Yes.

Mr. PAYNE. And the gentleman has no doubt that the amount is not excessive? [Laughter.]

Mr. GRAFF. No, sir.

The bill was laid aside to be reported to the House with a favorable recommendation.